United Nations S/PV.5070

Security Council

Fifty-ninth year

Provisional

5070th meeting

Thursday, 4 November 2004, 10 a.m.

New York

President:	Mr. Danforth	(United States of America)
Members:	Algeria	Mr. Baali
	Angola	Mr. Constantino
	Benin	Mr. Zinsou
	Brazil	Mr. Tarrisse da Fontoura
	Chile	Mr. Donoso
	China	Mr. Wang Guangya
	France	Mr. De La Sablière
	Germany	Mr. Trautwein
	Pakistan	Mr. Mahmood
	Philippines	Mr. Baja
	Romania	Mr. Dumitru
	Russian Federation	Mr. Denisov
	Spain	Mr. Colomina
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry

Agenda

Date of election to fill a vacancy in the International Court of Justice (S/2004/830)

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04-59105 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

Date of election to fill a vacancy in the International Court of Justice (S/2004/830)

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2004/830, which contains the text of a note dated 21 October 2004 by the Secretary-General.

Members of the Council have before them document S/2004/879, which contains the text of a draft resolution prepared in the course of the Council's prior consultations. May I take it that the Council is ready to proceed to take a decision on that draft resolution?

There being no objection, it is so decided.

It is my understanding that the Council is ready to adopt the draft resolution contained in document S/2004/879 without a vote.

There being no objection, it is so decided.

The draft resolution has been adopted as resolution 1571 (2004).

The Security Council has thus concluded its business for this meeting.

The meeting rose at 10.20 a.m.

United Nations S/PV.5071

Security Council

Fifty-ninth year

Provisional

5071st meeting

Thursday, 4 November 2004, 10.20 a.m.

New York

President:	Mr. Danforth	(United States of America)
Members:	Algeria	Mr. Baali
	Angola	Mr. Gaspar Martins
	Benin	Mr. Zinsou
	Brazil	Mr. Sardenberg
	Chile	Mr. Muñoz
	China	Mr. Wang Guangya
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Pakistan	Mr. Khalid
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Denisov
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry

Agenda

Report of the Secretary-General on the Sudan

Report of the Secretary-General on the Sudan pursuant to paragraph 15 of Security Council resolution 1564 (2004) of 18 September 2004, and paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004) of 30 July 2004 (S/2004/881)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-59111 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

Report of the Secretary-General on the Sudan

Report of the Secretary-General on the Sudan pursuant to paragraph 15 of Security Council resolution 1564 (2004) of 18 September 2004, and paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004) of 30 July 2004 (S/2004/881)

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jan Pronk, Special Representative of the Secretary-General for the Sudan and head of the peace support operation.

It is so decided.

I invite Mr. Pronk to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members have before them the report of the Secretary-General on the Sudan pursuant to paragraph 15 of Security Council resolution 1564 (2004) of 18 September 2004, and paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004) of 30 July 2004, document S/2004/881.

At this meeting, the Security Council will hear a briefing by Mr. Jan Pronk, Special Representative of the Secretary-General for the Sudan and head of the peace support operation. I now give him the floor.

Mr. Pronk: The report of the Secretary-General on the situation in the Sudan in October presents a hybrid picture. There is progress on the political front, but regression on the ground. The progress is slow, and the regression is alarming. The divergence between the two trends is also getting wider. Political agreements reached at the negotiating table may come too late to stop the rising violence and human suffering in the towns, villages and settlements in the field. I am afraid that the situation in Darfur may become unmanageable unless greater efforts are made both at the negotiating table and on the ground.

The meetings of the Council planned for mid-November in Nairobi provide an excellent opportunity to get such robust measures started. Is that necessary? Yes, it is. Since the first Security Council resolution on Darfur — resolution 1556 (2004) — three months ago, there has undoubtedly been progress on the political front, but it is not yet paying off because in Darfur itself the situation has greatly deteriorated.

The report before the Council today identifies a number of trends in events during October. Both the Government and the rebel movements violated the ceasefire, and it seems that the Sudan Liberation Movement/Army (SLM/A) was responsible for the greater number of such violations in October. The SLM/A is seeking to claim a wider area of control in Darfur and are strengthening its logistical and fighting capacity. The Government is also trying to extend the territory under its control by attacking with mixed forces made up of military, police and militia. The United Nations is awaiting verification from the African Union (AU) Ceasefire Commission on reports that aircraft flown in those attacks discharged their weapons against ground targets. The Government, however, has denied that action and stated that it has given instructions to the military not to do so.

In the beginning of the reporting period, large-scale attacks on civilians by militia did not take place. However, towards the end of the month, the threat of large-scale attacks had increased considerably. Cases of banditry and abduction are rising, hampering the delivery of humanitarian aid. Two new rebel groups have arisen and another new threat — that of landmines — has emerged to threaten humanitarian operations and civilians in Darfur. The Council is aware of the tragic death of two humanitarian aid workers caused by a landmine — a criminal, cowardly act against people who had come to help.

In general, agreements reached with the Government are kept. For instance, they agreed on full and unhindered access for humanitarian assistance. However, they are backsliding on their agreement that displaced persons will not be forced to return or to relocate. Recently, in south Darfur, families of displaced persons were forced, in the middle of the

night, to leave the place where they had sought refuge. That should stop immediately, and the forcibly uprooted displaced people should be helped to get back to their freely chosen places of refuge.

So, overall, instability has increased in October with more insecurity and violence than in September. The situation has become very tense during the last couple of days, more tense than at any time since the adoption of the first Security Council resolution on Darfur in July 2004. An armed group, said to be members of SLM/A, looted a large number of camels from Arab tribes and kidnapped 18 civilians from a passenger bus in the area around Zalingei, west Darfur. That gave rise to an ultimatum by the militia, which threatened to attack not only SLA forces, but also the civilian population and displaced persons.

As October turned into November the situation deteriorated and tension rose to a level unprecedented since early August: fighting is breaking out in more and more places; parties are provoking one another; militias are ganging up; and governmental authorities are not able to exert a moderating influence or they respond with untimely and even counterproductive measures. Darfur may easily enter a state of anarchy — a total collapse of law and order. The conflict is changing in character. The Government does not fully control its own forces. It co-opted paramilitary forces and now it cannot count on their obedience. The genie is out of the bottle and cannot be pushed back in. The border lines between the military, the paramilitary and the police are being blurred. Within the rebel movements, there is a leadership crisis. There are splits. Some commanders provoke their adversaries by stealing, hijacking and killing. Some seem to have begun acting for their own private gain. They now control so much territory that they must either take responsibility for the needs of the people therein — and become political leaders — or else turn to preying on the civilians in areas they control by force — in which case we may soon find Darfur is ruled by warlords.

If those negative trends are not reversed, it is a recipe for disaster. If the fighting continues, the crops will fail and the whole population of Darfur will become dependent on humanitarian assistance. Many livelihoods are at stake. It started two years ago, when some Arab tribes drove other tribes out in order to get more *Lebensraum* for themselves and their cattle. It was pure ethnic cleansing. Now they now are getting something similar in return: thefts of cattle and the blocking of the necessary camel tracks to dry areas, resulting in illness of the animals and thus in a threat to their own livelihoods. Right of access to scarce common natural resources is being denied. Those resources are even scarcer owing to pressure from increased human and animal populations and also to a decrease in the quality of those resources as a result of climate change. The result is a fight between economic lifestyles drawing on the same natural resources, leading to survival of the fittest and death for the weakest.

Can that situation be reversed? It can be reversed only by a three-pronged approach. First, a third-party force — the AU — must be deployed to effectively deter violations. Secondly, there must be a speeding up of all negotiation processes. Thirdly, political leaders — the official ones as well as the self-elected ones — must be held accountable for ongoing violations of agreements and further human misery.

First, the deployment of the expanded AU force is already taking place. However, the present upsurge in violence and the trends that I indicated require an even speedier deployment of those forces in order to enable them to be everywhere they are needed — that is, in any area where the insecure situation may get out of control and explode. I would advise members of the Security Council to consider all possibilities for more financial and logistical support to the AU to ensure that its forces can be present wherever they are required to fulfil their tasks.

The second element of the three-pronged approach is the speeding up of all negotiation processes. Political talks between the Government and the various movements are proceeding. There is light at the end of the tunnel, but it seems as if the tunnel is getting longer and longer. Political solutions are important in themselves; they are also urgently needed in order to get a grip on the security situation on the ground.

Three months ago, there were not yet any talks between the Government and the rebel movements in Darfur. They have now started. They were paralysed in the last round because parties were focused on the wrong issues. At the negotiation table in Abuja, there is still reluctance, distrust, internal division, lack of capacity to negotiate and no sense of urgency.

The Government and the rebel movements must comply with Security Council resolutions and with the N'djamena Ceasefire Agreement, rather than make their compliance mutually conditional. They should implement fully and immediately the agreement reached on humanitarian access, whether that agreement has been signed or not. They should put their political objectives at the centre of their deliberations, rather than focusing on issues, such as humanitarian access and security, that are essentially non-negotiable. The Security Council meetings in Nairobi could bring the parties to realize that the international community expects them to negotiate in good faith and adopt, before the end of the year, a declaration of principles, as well as a time frame and a detailed agenda for further negotiations on political issues.

In Nairobi, the Government and the Sudanese People's Liberation Movement met again in October, and some new agreements are close at hand. I have, in previous statements, listed reasons why the outcome of the north-south peace process — peace, a new constitution, a federal structure for the State, national differentiation and a broad-based Government — can serve as a model and basis for Darfur. It now seems that this round of talks has a good chance of being completed. However, a very tough final bone of contention — the financing of the southern army — still has to be resolved. Parties seem reluctant to move. Members of the Security Council could offer their good offices to help resolve that last issue, so that Vice-President Taha and Mr. Garang could meet each other halfway; thus neither of the two would lose.

The international community should ensure that the momentum is sustained and should give the right message to the parties with a single, strong voice. There is now, more than ever, an urgent need for firm pressure on all parties to finalize the agreements and move into the implementation phase. As we have seen in past cases, the final stage can be the most difficult, with new challenges emerging up until the last moment. This final stage has to be completed, ultimately, around the end of this calendar year. Negotiators owe this not only to the people affected by the north-south conflict, but also to the population elsewhere in the Sudan, particularly in Darfur. Therefore, negotiators at the north-south talks should commit themselves to working together to resolve the Darfur conflict immediately after the signature of the comprehensive agreement, for instance by strengthening and underpinning the political process already under way in Abuja.

The Council may therefore wish to make clear that it will not tolerate any further delay in the finalization of a comprehensive north-south peace agreement and a political resolution of the Darfur crisis. The Council's message to the parties should essentially be as follows: "Fulfil your commitments and you will have our support. If you do not, or if you do not do so in time, you will lose it."

The third prong of this political strategy is to ensure that political leaders — the official ones as well as the self-elected ones — are held accountable for ongoing violations of agreements and further misery. The Security Council has adopted a number of resolutions on the Sudan this year, primarily because of increasing concern regarding the fate of the civilian population. Political leaders on any side who deny the facts on the ground, neglect the sorrow of poor and vulnerable people living in areas under their control and use delaying tactics in negotiations and in implementation procedures are acting irresponsibly. The message to the SLM/A, the Justice and Equality Movement and all other armed groups is that their rebel status does not exonerate them from a moral obligation towards their people. On the contrary, as political leaders, they are responsible for civilian protection as much as the Government of Sudan. The Security Council may wish to consider creative and prompt action to ensure effective implementation of the terms it set in earlier resolutions regarding the protection of civilians and to warn all parties that they will all, without exception, be held accountable for such violations. Again, the meetings of the Security Council foreseen for mid-November in Nairobi provide a major opportunity in that respect.

In conclusion, action is required. The humanitarian catastrophe of 2003 and of the first six months of this year was allowed to happen because the international community had not yet decided to act. With the adoption of two Security Council resolutions on Darfur, that has changed. If the sorrow continues, it is despite those resolutions. If, for instance, displaced persons protest and the police and military shoot innocent civilians despite the United Nations presence, a drama would develop for which the United Nations would be blamed. If, for instance, members of militias or paramilitary groups attack unarmed civilians, a massacre would result, despite the fact that the protection of civilians was the essential objective of

the Security Council. That would be a catastrophe. The protection of people is the obligation of the Government of Sudan. It is the obligation of movements that consider themselves as would-be governments, which are bound by the same principles of humanitarian law as formally recognized Governments. It is also the duty of the international community to consider further action if the action taken so far proves to be insufficient.

The President: I thank Mr. Pronk for his comprehensive briefing.

In accordance with the understanding reached in the Council's prior consultations, I should like to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.35 a.m.

United Nations S/PV.5072

Security Council

Fifty-ninth year

Provisional

5072nd meeting

Saturday, 6 November 2004, 5.15 p.m.
New York

President:	Mr. Danforth	(United States of America)
Members:	Algeria	Mr. Benmehidi
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Valle
	Chile	Mr. Andereya
	China	Mr. Zhang Yishan
	France	Mr. De La Sablière
	Germany	Mr. Trautwein
	Pakistan	Mr. Khalid
	Philippines	Mr. Mercado
	Romania	Mr. Dumitru
	Russian Federation	Mr. Konuzin
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry

Agenda

The situation in Côte d'Ivoire

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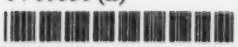
04-59551 (E)



The meeting was called to order at 5.15 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Côte d'Ivoire

The President: I should like to inform the Council that I have received a letter from the representative of Côte d'Ivoire, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Djangoné-Bi (Côte d'Ivoire) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2004/886 containing a letter from the Secretary-General to the President of the Security Council.

After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council.

"The Security Council condemns the attack against French forces in Bouaké on 6 November 2004 that resulted in fatalities and other casualties, as well as the fatal air strikes in the north by the national armed forces of Côte d'Ivoire, as violations of the ceasefire agreement of 3 May 2003.

"The Security Council further condemns any effort by any party to send forces through the Zone of Confidence.

"The Security Council demands the immediate cessation of all military operations by all Ivoirian parties and full compliance with the ceasefire agreement of 3 May 2003.

"The Security Council expresses its full support for the action undertaken by French forces and the United Nations Operation in Côte d'Ivoire (UNOCI).

"The Security Council confirms that French forces and UNOCI are authorized to use all necessary means to carry out fully their mandate in accordance with its resolution 1528 (2004) of 27 February 2004. It confirms also that UNOCI, within its capabilities and areas of deployment, is authorized to prevent any hostile action, in particular within the Zone of Confidence.

"The Security Council strongly recalls the obligations of all Ivoirian parties, the Government of Côte d'Ivoire as well as the Forces Nouvelles, to refrain from any violence against civilians and to cooperate fully with the activities of UNOCI. The Security Council firmly reminds all parties of the need to guarantee the security and freedom of movement of all United Nations personnel.

"The Security Council intends to examine rapidly further actions, including individual measures to be taken."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2004/42.

The Security Council has thus concluded the present state of its considera ion of the item on its agenda.

The meeting rose at 5.20 p.m.

United Nations S/PV.5073

Security Council

Fifty-ninth year

Provisional

5073rd meeting

Tuesday, 9 November 2004, 10 a.m.

New York

President:	Mr. Danforth	(United States of America)
Members:	Algeria	Mr. Benmehidi
	Angola	Mr. Gaspar Martins
	Benin	Mr. Zinsou
	Brazil	Mr. Sardenberg
	Chile	Mr. Muñoz
	China	Mr. Cheng Jingye
	France	Mr. Duclos
	Germany	Mr. Von Ungern-Sternberg
	Pakistan	Mr. Khalid
	Philippines	Mr. Baja
	Romania	Mr. Dumitru
	Russian Federation	Mr. Denisov
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson

Agenda

The situation in Afghanistan

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04-59823 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Afghanistan

The President: I should like to inform the Council that I have received a letter from the representative of Afghanistan, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Farhâdi (Afghanistan) took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

There being no objection, it is so decided.

I invite Mr. Guéhenno to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations. I now give the floor to Mr. Guéhenno.

Mr. Guéhenno: As members of the Council may recall, a briefing on the conduct of the 9 October presidential ballot was provided three days after the event (see S/PV.5055). I should like to take this opportunity to update the Council about the subsequent process that led to the certification of the official electoral results on 3 November by the Joint Electoral Management Body (JEMB), which declared Hâmid Karzai as Afghanistan's first elected President. I would also like to share with members the key challenges that the Afghan leadership will need to address, with the support of the international community, over the next 180 days or so.

Members will also recall that, on the day of the elections, a number of opposition candidates made allegations regarding the fairness of the electoral process, including complaints about the use of indelible ink to mark voters' thumbs and undue influence exerted on voters by polling staff and candidate representatives. A three-member impartial panel of international electoral experts, established on 11 October, examined complaints lodged by presidential candidates and conducted an extensive investigation that included consultations with the candidates themselves, with observer and with electoral support teams and electoral staff. The panel's report, submitted to the Joint Electoral Management Body and made public on 2 November, found that irregularities observed did not materially affect the overall outcome of the election. Two days later, candidates Qanooni, Mohaqeq and Dostum — who had been most critical of the ballot process — publicly announced their acceptance of the electoral results.

In all, some 8,128,940 ballots were cast, representing 70 per cent of the registered voters, of whom 40 per cent were women. After considering the results of the counting, the report of the impartial panel and the work of their own complaints and investigations mechanism, the JEMB declared that Hâmid Karzai had secured an outright majority of 55.4 per cent of the vote. Yonous Qanooni obtained 16.3 per cent of the vote, Haji Mohammad Mohaqeq 11.6 per cent and Abdul Rashid Dostum 10 per cent. All of the remaining 14 candidates individually received less than 2 per cent of the vote; collectively, they received 6 per cent. The Constitution calls for the inauguration of the President-elect to take place 30 days after the announcement of the official ballot result.

The publication of the final results allows us to put forward an initial analysis of the vote. Overall, ethnic considerations appear to have played an important role in determining people's votes. Electoral support for the four main contenders, President Karzai, Mr. Qanooni, Mr. Dostum and Mr. Mohaqeq, strongly correlated with the areas where Pashtuns, Tajiks, Uzbeks and Hazaras are respectively the majority groups. Among refugees in Iran, President Karzai and

Mr. Mohaqeq split the vote, each receiving approximately 40 per cent. In Pakistan, 80 per cent voted for President Hâmid Karzai. That pattern confirms one of the features of the Constitutional Loya Jirga, namely, the assertion of ethnic identities.

While ethnic considerations had an impact in rural areas, President Karzai and other candidates received multi-ethnic support in major cities. That may be attributable to the fact that, since ethnic identity was not exploited aggressively during the campaign, candidates were able to operate widely outside their core constituencies. As a result, all candidates received votes in all provinces of the country. More importantly, beyond ethnicity, Afghans showed that they are united in their rejection of violence, their support for a peaceful political process and the affirmation of their right to participate in it.

Attention has now shifted to the post-election political phase, including the immediate task of forming the next Government and the challenges of parliamentary and local elections. The new President has an opportunity to select an effective and competent cabinet able to deliver the basic services expected from the Government. He will also certainly take into account the need for the cabinet to be representative of the ethnic, cultural and geographical diversity of the country. Competence and representation are therefore key to providing a strong political platform that will enable the President to address the challenges that Afghanistan will face. As to the priorities of the next Government, President Karzai has already indicated that security will be the most important issue, especially the further disarmament of private military forces.

Security, indeed, remains a significant concern. A suicide bombing carried out in the centre of Kabul on 23 October, in which two people lost their lives, may have signalled the end of the period of relative calm that prevailed during the election. Regrettably, a few days later, on 28 October, Annetta Flanigan, Shqipe Hebibi and Angelito Nayan — all three of them electoral staff — were abducted in the Kart-e-Parwan district of Kabul in broad daylight.

The Government of Afghanistan is leading the investigation into that incident. It is being assisted by a team from the Office of the United Nations Security Coordinator and specialists offered by other Governments. Cooperation between the different national and international actors is ensured through a number of groups working around the clock on all aspects of the case. Securing their safe return is of paramount concern. For that reason, we hope that the Council will understand that we are unable to share information that might compromise the ongoing process or put our three colleagues at greater risk, and we would ask that Member States minimize public statements on that matter for the same reason. In the meantime, a number of special measures have been taken by the United Nations to enhance staff safety at a time of possible increased exposure to risks. They are the most stringent staff security measures to be put in place in Kabul since 2001.

As the Council will recall, last July the JEMB decided that parliamentary, provincial and district elections should be held separately from the presidential election, and not later than the next Afghan month of Saur — from 20 April to 20 May 2005. As we embark on this phase of the electoral process, a number of technical requirements and environmental conditions must be carefully considered. In carrying out this complex planning exercise, the reports issued by the various observation and electoral support missions in Afghanistan during the presidential election, including those of the Organization for Security and Cooperation in Europe, the European Union, the Afghan Independent Human Rights Commission and other national and international organizations and groups will be of invaluable assistance.

Furthermore, in the last few weeks, proposals have been made to the United Nations Assistance Mission in Afghanistan (UNAMA) by the different components of the electoral operations, in particular the JEMB and its secretariat, as well as national security agencies and international military forces. Those proposals take into account the experience gained during the presidential elections in all key areas — institutions, legal procedures, operations and security — and suggest best practices and lessons that can now be implemented. Those reports will be crucial in assessing various solutions for the implementation of the next elections and in exploring different technical and operational alternatives. UNAMA has been discussing key issues related to electoral preparations with security and diplomatic partners in Kabul.

In some ways, the successful conduct of the presidential election may result in an unrealistic expectation that elections in Afghanistan will not be difficult. It would be a mistake, however, to become too complacent. Parliamentary elections will be much more complicated and fraught with security concerns than the presidential elections.

I would like to mention five essential issues, in particular, that must be resolved in order to hold parliamentary and local elections within the time frame prescribed by the electoral law. First, boundaries of districts — and in some cases, provinces — must be officially delimited. Secondly, population figures must be agreed upon for the assignment of parliamentary seats. Thirdly, the voters' list must be analysed, refined, and in some cases updated, in order to prepare specific voter lists for each polling station. Fourthly, a complaints mechanism and electoral offence prosecution system must be developed at the local level. And fifthly, the qualifications of thousands of potential candidates must be vetted prior to their registration. Implementing some of those requirements — for example, providing for more time to vet candidates — may require a revision of the electoral law.

Other measures that have been strongly recommended by most observers' reports include the need to develop a vigorous capacity-building programme for domestic observers and party agents, the need to strengthen and extend civic education activities to enable voters to understand the greater complexity of parliamentary and local elections, and the need to review the structure of the electoral authority and other operational modalities to conduct these elections.

Separating the presidential and parliamentary elections provided additional time to improve the environment for the conduct of parliamentary and local elections. These elections will inevitably be more affected by local tensions and be more susceptible to fraud and intimidation than were the presidential elections. For that reason, the influence of local commanders, the widespread and tangled web of narcotics and arms and the absence of an efficient local civil administration continue to constitute serious obstacles to holding legitimate parliamentary and local elections.

A key factor in improving the local security environment will be the ability of the disarmament, demobilization and reintegration (DDR) programme to capitalize on the political momentum generated by the electoral process. As previously reported, in the few weeks before the presidential election, more than 5,000 men went through the DDR process, bringing the total for the programme in one year of operations to almost 22,000 disarmed ex-combatants. The heavy weapons cantonment programme has also gained considerable momentum since September. Approximately 75 per cent of all operational and repairable weapons are now in cantonment sites.

The current Afghan Government wants to accelerate the disarmament and reintegration of those remaining militia forces that are administratively linked to the Ministry of Defence so that the process is completed by the beginning of the Afghan new year, 21 March 2005.

Reintegration activities will, of course, continue further until mid-2006. Closer collaboration between the Ministries of Defence and Finance should allow for better monitoring of Government resources allocated to militia forces, including the timely suspension of payments once units are decommissioned. The initiative to link political party registration to full disarmament, which began in July, has also yielded positive benefits. It has been agreed to modify the schedule of disarmament in order to enable three of the main political groups — Jamiat, Junbesh and Da'wat — to divest themselves of their military wings and to be registered in time for the parliamentary and local elections. The leaders of those parties have agreed to use their political authority to assist in the full decommissioning of their former units.

While that progress is encouraging, constant and focused attention is still required by the new Government and the international community if DDR is to improve the environment in which parliamentary and local elections must take place. The issue of irregular militias is also rapidly emerging as a problem which needs to be tackled in advance of the next round of elections. These are armed groups that are not on the payroll of the Ministry of Defence and are therefore not included in the current DDR programme. They are, however, equally and perhaps even more destabilizing for the security of many areas of Afghanistan than the regular militias. Discussions are ongoing in Kabul, under the leadership of the Government, to examine

ways to dismantle those groups through weapons collection and community development programmes.

Another factor contributing to local insecurity is the production and trafficking of illicit drugs. The narcotics trade, with its scale and corrupting influence, poses a growing threat to the State-building process and risks becoming a major impediment to holding credible parliamentary and local elections. Much greater efforts must be made to address all aspects of that problem.

Last but not least, the expansion of the formal security apparatus will obviously be key to the success of parliamentary and local elections. One of the most successful aspects of the presidential round was that adequate security conditions were by and large maintained. That was achieved thanks to a comprehensive and coordinated operation involving the national army and police working with International Security Assistance Force (ISAF) and coalition forces. That effort must be pursued and intensified ahead of parliamentary and local elections. In particular, the deployment of Afghan professional police is a sine qua non for safe district elections. No other force has the reach needed to secure close to 400 district elections in which tensions brought about by the electoral competition may be the rule rather than the exception.

However, while domestic security forces will necessarily be called upon to play a major role, international forces remain indispensable both in the direct provision of security and in backing up national efforts. In that respect, we encourage States members of the North Atlantic Treaty Organization to enable ISAF to deploy forces — early and in adequate numbers — to areas included in stage 2 of its expansion, namely, the western provinces of Afghanistan.

In summary, technical and operational requirements and the need to create a more conducive environment pose formidable challenges to the planning process for parliamentary and local elections in Afghanistan. UNAMA has initiated a process of consultations with all relevant interlocutors, including political parties, in order to formulate adequate recommendations to the Government of Afghanistan and the international community as soon as possible. We hope that the consultations will be concluded by mid-November, at which point we will be in a position to identify financial requirements relating to the parliamentary elections.

(*spoke in French*)

The presidential election has demonstrated that Afghans have a strong national denominator in their common embrace of the democratic process, irrespective of ethnic origin or political affiliation. That momentous development is one of the most encouraging features of Afghanistan today, against a backdrop of continued challenges to the process posed by narcotics, extremism and factionalism. However, on the basis of initial consultations carried out by UNAMA in the various regions, it would seem that the overwhelming majority of Afghans are ready, together with their political leaders, to embark on the next stage of the electoral process, which should result in the creation of representative institutions at the local and national levels.

The international community may be tempted to diminish its attention to Afghanistan in the aftermath of the presidential election. It should resist that temptation, for while Afghans have shown remarkable political maturity, they must still be able to count on the full backing — economic, financial, political and military — of the international community in the new phase of local and legislative elections under way. It will be a difficult phase, but it can be successfully undertaken with the commitment of the Afghans and the international community.

The President: In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.30 a.m.

United Nations S/PV.5074

Security Council

Distr.: General
11 November 2004

Original: English

Official communiqué of the 5074th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Thursday, 11 November 2004, at 9.30 a.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"On 11 November 2004, the Security Council, pursuant to annex II, sections A and B of resolution 1353 (2001), held its 5074th meeting in private with the troop-contributing countries to the United Nations Mission of Support in East Timor (UNMISET).

"The Security Council and the troop-contributing countries heard a briefing under rule 39 of its provisional rules of procedure by Ms. Lisa Buttenheim, Director of the Asia and Middle East Division of the Department of Peacekeeping Operations.

"Representatives of the participating troop-contributing countries, Ms. Buttenheim, and members of the Council had a constructive exchange of views."

04-60266 (E) 111104

United Nations S/PV.5075

Security Council

Fifty-ninth year

Provisional

5075th meeting

Thursday, 11 November 2004, 11 a.m.

New York

President:	Mr. Danforth	(United States of America)
Members:	Algeria	Mr. Benmehidi
	Angola	Mr. Lucas
	Benin	Mr. Babadoudou
	Brazil	Mr. Sardenberg
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mr. Duclos
	Germany	Mr. Pleuger
	Pakistan	Mr Akram
	Philippines	Mr. Mercado
	Romania	Mr. Motoc
	Russian Federation	Mr. Denisov
	Spain	Mr. García de Viedma
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson

Agenda

The situation in Bosnia and Herzegovina

Letter dated 8 October 2004 from the Secretary-General addressed to the President of the Security Council (S/2004/807)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-60174 (E)

The meeting was called to order at 11.10 a.m.

Statement by the President

The President: At the outset, I should like to speak in my national capacity concerning the death of Yasser Arafat. The death of Yasser Arafat is a significant moment in Palestinian history. We express our condolences to the Palestinian people. For the Palestinian people we hope that the future will bring peace and the fulfilment of their aspirations for an independent, democratic Palestine that is at peace with its neighbours. During the period of transition that is ahead, we urge all in the region and throughout the world to join in helping make progress towards those goals and towards the ultimate goal of peace.

I now resume my functions as President of the Security Council.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

Letter dated 8 October 2004 from the Secretary-General addressed to the President of the Security Council (S/2004/807)

The President: I should like to inform the Council that I have received letters from the representatives of Bosnia and Herzegovina, Japan and the Netherlands, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Ivanić (Bosnia and Herzegovina) took a seat at the Council table; the representatives of the other aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: On behalf of the Council, I extend a warm welcome to His Excellency Mr. Mladen Ivanić, Deputy Chairman of the Council of Ministers and Minister for Foreign Affairs of Bosnia and Herzegovina.

In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Lord Paddy Ashdown, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina.

There being no objection, it is so decided.

I invite Lord Ashdown to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them a letter dated 8 October 2004 from the Secretary-General addressed to the President of the Security Council, transmitting the twenty-sixth report of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, document S/2004/807.

At this morning's meeting the Security Council will hear a briefing by the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, Lord Paddy Ashdown.

I now give him the floor.

Lord Ashdown: I am very pleased indeed to be here again to brief the Council on developments in Bosnia and Herzegovina and, if I may say so, especially pleased to be here with my colleague Mladen Ivanić, the Foreign Minister and Deputy Chairman of the Council of Ministers of Bosnia and Herzegovina. Last year, Prime Minister Terzić attended, and it seems to me very appropriate that there should be a senior minister in the Government of Bosnia and Herzegovina present when I deliver my briefing. I am grateful for the chance to address the Council.

These days Bosnia and Herzegovina features, thank goodness, rather rarely as a stand-alone item on the Council's agenda. That is a sign, thank heavens, of how much things have changed for the better in the last nine or 10 years.

A decade ago, of course, things were very different. In preparing for this morning, I thought I would just remind myself how things looked in Bosnia and Herzegovina exactly 10 years ago, in November 1994. Then, the Council's agenda was dominated by Bosnia and Herzegovina: it was daily denouncing bombings, even the apparent use of napalm and cluster bombs in the Bihac pocket, and demanding access for humanitarian convoys. In all, during that year of 1994, the Council issued 14 statements on Bosnia and Herzegovina, as the war raged.

Bosnia and Herzegovina is a very different country now, in a very different region. Whatever our occasional frustrations — and they come as part of the job — about the pace of progress, it is worth reminding ourselves of that simple fact. To be sure, Bosnia and Herzegovina has a long way to go before it becomes a member State of the European Union — its declared ambition — or a paid-up ally in NATO — which is, again, a goal it wishes to achieve. But if one wonders sometimes whether it will ever reach those goals — and, incidentally, I am convinced that it will — then one should look, not at how far there is to go, but at how far Bosnia and Herzegovina has already come.

Bosnia and Herzegovina today, like its neighbours in the Balkan region, is very firmly focused on its twin strategic goals as a country: qualifying to begin negotiations with the European Union on a stabilization and association agreement, and gaining admission to the Partnership for Peace (PfP) programme of the North Atlantic Treaty Organization (NATO). There is, quite simply, no other game in town. That is the only secure future Bosnia and Herzegovina has and I think everyone, across all the political parties and the wide spectrum of the citizens of Bosnia and Herzegovina, recognizes and understands that.

Getting through those initial gates, embarking on stabilization and association agreement negotiations and entering PfP will move Bosnia and Herzegovina decisively forward. It will lock the country into a different framework that will pull the reform process and make possible the steady transformation of the international community's role in Bosnia and Herzegovina, including the eventual phasing out of my position and my Office. Bosnia is now moving decisively from the era of Dayton into the era of Brussels. The pull of Brussels is starting to be as, if not more, effective than the push of the Bonn Powers when it comes to driving the reform process.

Since I last spoke to the Council in March, we have notched up some further significant steps forward in Bosnia and Herzegovina, which have moved it closer to meeting the requirements set out by the EU and NATO. This year has seen steady progress in adopting reform legislation and providing for new state-level institutions, even if implementation of those laws has often lagged behind.

The process of unifying Mostar has proceeded on track and broadly on time. That most intractable of all Bosnia and Herzegovina's problems is now moving, I think, towards a successful conclusion. We have had a small international team in Mostar which has been working very closely with the authorities there to implement the new statute. The challenge now will be to ensure that the new unified administration of Mostar city, reflecting the results of the recent October municipal elections, beds down successfully as we go into the new year and starts delivering Government services in the interests of its citizens.

We have also continued, I think, to make good progress in the judicial field. The single High Judicial and Prosecutorial Council, covering the whole State, was established on 1 May and we are on course for Bosnia and Herzegovina to start processing its own war crimes cases in its own domestic war crimes chamber from January 2005 — a crucial step towards statehood.

In the economic area, we have seen the passage of a new Bosnia and Herzegovina public procurement law; crucial reforms in the energy sector that have enabled the reconnection through Bosnia and Herzegovina of the entire South-East European electricity grid; the initiation of the third phase of the Bulldozer Initiative, designed to do away with bureaucratic barriers to honest trade and business; and, perhaps most significantly of all — and I pay tribute to the tough decisions that have been taken by the Bosnia and Herzegovina authorities in this matter — the resolution of the painful and difficult issue of the mountain of post-war internal debt, which otherwise could very easily have derailed the whole economy and the State's economic future.

Meanwhile, on the municipal front, legislation providing for the direct election of mayors was adopted in time for the 2 October municipal elections. Those elections were conducted by the Bosnia and Herzegovina authorities, funded exclusively by Bosnia and Herzegovina and held on an entirely peaceful

basis. The first Brcko district elections were held — a precondition for normalizing the district's autonomous status and paving the way, in the relatively near future, I hope, to winding up the Brcko supervisory regime.

Within the Office of the High Representative, we continue to be guided by our Mission Implementation Plan and the four core tasks it contains: establishing the rule of law, economic reform, institution building, and defence/security reform. This year we have downsized the Office, handed over those areas where we have finished our task to the Bosnia and Herzegovina authorities, and reduced our size by no less than 25 per cent. That will continue.

Within that overall umbrella of the Mission Implementation Plan, we have now identified six key priorities for implementation in the coming year. Those all relate to strengthening key institutions that are essential for the effective functioning of the State of Bosnia and Herzegovina within the Euro-Atlantic institutions.

One of those priorities is the State Court, which is already starting to deliver real results. Indictments and, now, trials of the once untouchable, the high and the mighty, are beginning, I hope, to convince the citizens of Bosnia and Herzegovina that there will be no immunity for the rich and powerful from whatever national community they come.

Another of our priorities is to strengthen the functionality of the Council of Ministers. That is much needed. We need to establish properly functioning ministries, properly staffed and properly located. Meanwhile, the entity intelligence agencies have been abolished and the State-level agency formally commenced operations on 1 June, following the merger of its predecessors — a huge and delicate task which is proceeding, I believe, relatively smoothly.

With the help of the European police mission, we are now making progress in reforming the police and creating in Bosnia and Herzegovina an effective policing structure. The State Investigation and Protection Agency — if you like, the State's Federal Bureau of Investigation — is now established in its own premises and becoming an increasingly credible body in the law enforcement community, though that has much further to go before I am fully satisfied. And, crucially, a Police Restructuring Commission, chaired by former Belgian Prime Minister Martins, was established on the initiative of Prime Minister Terzic on 2 July. It will report at the end of the year and is charged with devising a single policing structure for the country in order to enable it to fight crime effectively.

On policing, let me just touch for a moment, if I may, on an important — and perhaps, some may think, delicate — issue: the question of police certification. This was an issue which was unresolved after the closure of the International Police Task Force. Following the presidential statement issued by the Security Council in June, the Presidency of Bosnia and Herzegovina requested all competent national authorities to harmonize their laws in order to give full effect to the United Nations certification decisions. I welcome that. We now expect the Bosnia and Herzegovina authorities to adopt such amendments shortly. We will monitor the situation closely and report back to the Council. Although we are making significant progress on the issue of implementation, we still need to find a solution with respect to the problematic cases that are left over — a matter which is, I regret, still under discussion with the Department of Peacekeeping Operations and yet to be resolved. Let me explain.

It was agreed in May this year with the United Nations Under-Secretary General for Peacekeeping Operations that efforts to ensure full implementation of United Nations decisions would be delinked from those alleged problematic cases. The Human Rights Commission within the Constitutional Court of Bosnia and Herzegovina rendered a decision this summer making it clear that the implementation of the United Nations certification decisions by domestic authorities did not, as claimed, violate the rights of police officers under the European Convention on Human Rights. We welcome that judgment. We believe that the need to review all United Nations decisions on questions of law and fact can now be measured against that decision. That is good.

However, we are still facing daily allegations of procedural shortcomings. I do not know whether or not those are justified. Many examples were sent to my Office by the representative of another United Nations agency in Bosnia and Herzegovina, claiming that there have been deficiencies of procedure. The United Nations in New York has been so far unable to provide us with evidence that would contradict such allegations. We consider that the capacity of the United Nations to do so is key to the determination of whether

a review mechanism is necessary in those cases. Finally, we are of course conscious that a review of decisions rendered pursuant to a mandate from the United Nations would require the authorization of the Organization and we remain at the Council's disposal to find an adequate solution that will preserve the huge and invaluable legacy of the United Nations in Bosnia and Herzegovina through the International Police Task Force and its other agencies. This is an important issue, but it must not distract us from the implementation priorities that I described earlier. Allow me now to return briefly to those priorities.

Another one of our priorities is the establishment in good time and in good order of the Indirect Taxation Authority covering the whole State. I am glad to report that that is now up and running, and we are in the process of merging the entity customs administrations into a single State body and preparing for the introduction of a value-added tax (VAT) on 1 January 2006. That is a difficult deadline, but I still believe we will meet it.

On defence reform, we have continued to move forward in meeting the 14 benchmarks set by NATO, with the appointment of the first post-war Bosnia and Herzegovina Defence Minister and key general staff officers, as well as the significant downsizing of entity armed forces. The Bosnia and Herzegovina Defence Minister, Minister Radovanović, has served extremely competently since May as co-chair of the Defence Reform Commission. In December, NATO will take on the leadership of the Bosnia and Herzegovina Defence Reform Commission and of defence reform in general. I would like to take this opportunity to pay a warm public tribute to James Locher from the United States Department of Defense, who was seconded to us. His tenacity, patience and sure touch have been the keys to the huge progress made on defence reform, and we all owe Mr. Locher a great debt of thanks.

Taken together, all of these developments mean that Bosnia and Herzegovina is, I think, now moving decisively down that road to membership of the European Union and of NATO and to a life as a normal, peaceful European country. I think that this is a very significant achievement, only nine years after Dayton.

Bosnia and Herzegovina is changing, and it is therefore appropriate that the international community should start to adjust its presence in Bosnia and Herzegovina also, to reflect changing times and changing challenges.

We have done that continuously, of course, since Dayton. The Office of the High Representative has steadily evolved in its role, acquiring the Bonn powers two years into its mandate and using them in different ways to promote peace implementation since then. We are now reducing very substantially the use of these powers, and this should — and I believe will — continue.

The same has been true of the NATO-led international military presence. It has been reduced in size as stability has grown — from 65,000 after Dayton to only 7,000 today.

On 2 December, we will see the next logical evolution, when the Stabilization Force in Bosnia and Herzegovina (SFOR) will terminate and NATO will hand over leadership of the military mission in Bosnia and Herzegovina to the European Union (EU). That will be a difficult transition, but I am happy to report to the Council that I am confident it will go smoothly and well.

I also hope that most Bosnians will frankly not notice the difference. Eighty per cent of the troops on the ground within SFOR are already European troops, and while shoulder flashes and flags will undoubtedly change, the commitment to a safe and secure environment will not. The new force will look very much like SFOR, will operate along the same lines and provide the same level of security. It will be militarily robust and it will brook no challenges to peace and order in Bosnia and Herzegovina.

However, this also unmistakably signals Bosnia and Herzegovina's European destiny. The commitment of the European Union to Bosnia and Herzegovina's potential future membership is now clear.

This process will allow the European Union to bring together all its assets in Bosnia and Herzegovina under my coordination. These assets are the European Union-led force (EUFOR), the European Union Police Mission, the European Union Monitoring Mission and the European Commission delegation with its €65 million a year assistance programme, in addition to the work of the European Union member States. We will now be able to coordinate those so that they bear more effectively, as Bosnia and Herzegovina moves

into a qualitatively new stage in its relations with the European Union.

I say this not just in my capacity as High Representative, but also wearing my second hat as European Union Special Representative, which is a role that will grow in importance in the months and years ahead.

This is not to say — and I would like to emphasize this point — that the European Union's growing role in Bosnia and Herzegovina should be at the expense of others — far from it. I think there is a broad rule about international peace stabilization: the broader the coalition, the greater the chance of success. It is therefore essential we preserve that unity of effort and breadth of endeavour through the Peace Implementation Council, which I believe should continue operating in order to incorporate, as it does, the contributions made by the Russian Federation, Turkey, Japan, Canada and the United States of America, as well as other European Union member States. Those are extremely important contributions, and it would be wrong of us to create or to abandon the framework that allows those to continue to be made.

The fact that we are able to make this transition from SFOR to EUFOR is, allow me to say, a formidable tribute to NATO and to all it has achieved in Bosnia and Herzegovina in the last nine years. Allow me to take this opportunity to pay a warm tribute to the alliance, whose Secretary-General, of course, will address the Council today, and to all those soldiers who have served under the NATO flag as part of, first, the Implementation Force (IFOR) and then SFOR. They have done a truly outstanding job. They have not only ended a war, they have helped to build a peace, and they are handing on a situation immeasurably and unbelievably better than the one they found in 1995.

The fact that NATO will continue to play a vital — but different — role in Bosnia after EUFOR takes over, with a United States general at the helm of a new NATO headquarters, is hugely welcome. This role will concentrate on defence reform, but it will also work on counter-terrorism and a continued effort in the hunt for indicted war criminals.

The message that I therefore bring the Council is a good one, I think, but there are some points of concern. Allow me to touch on three of them as we move into the next phase of Bosnia and Herzegovina's transition to a fully-fledged State and to membership of Euro-Atlantic institutions.

The first point is economic. Bosnia and Herzegovina's economy is still not growing fast enough to relieve the pain of its suffering people, and that is an area on which we need to concentrate in the year ahead.

The second, which worries me, is the financial viability of the State in its present shape. I should emphasize that this may make it necessary to consider before too long, not now, but before too long, the pressing need to make the State's constitutional structure more functional.

The third point is the subject that gives me most immediate concern and which poses the biggest threat to the entire country, but most especially to Republika Srpska's prospects.

When I spoke to the Council in March, I made clear that there was a very real risk that, despite Bosnia and Herzegovina's remarkable progress on defence reform, Republika Srpska's complete failure to meet its obligations to the International Criminal Tribunal for the Former Yugoslavia (ICTY) could well scupper the country's chances of gaining entry into the Partnership for Peace at NATO's Istanbul summit in June.

As we know, that is, regrettably, exactly what happened. The record speaks for itself and makes dismal reading. In nine years, the Republika Srpska has not handed over a single person indicted for war crimes — not one — at any level, senior, junior or middle-ranking. In nine years, they have failed to give the ICTY the information it needs to track down indictees or to provide cooperation in the arrest of Radovan Karadzic and Ratko Mladic. In nine years, it has failed to take any significant action to do so itself, either.

I must say that there have been some more hopeful signs in recent months. A speech by President Cavic of Republika Srpska in June, acknowledging the scale of the crime committed at Srebrenica, was a brave and important speech.

The work of the Srebrenica Commission itself, created entirely by the Republika Srpska Government, has elicited from Carla Del Ponte the statement that the Srebrenica Commission has provided a significant milestone on the road to truth and justice. We also saw only two days ago a formal apology offered by the

Republika Srpska Government to the victims of that blackest of pages in European history. I hope that that will lead to a wider process of truth. I hope that that will incorporate other peoples in Bosnia and Herzegovina as well. Srebrenica is the worst of the crimes, but it is not the only one, and I hope that people will seize the opportunity offered by that statement by Republika Srpska to ensure that Bosnia's future can be built on a recognition and an understanding of its past.

Nevertheless, the plain fact remains that, nine years on, not a single indictee has been handed over to the ICTY by the Republika Srpska authorities, and that Karadzic and Mladic remain at large. That is an affront to justice, and it is an affront to the values of the institutions which the Republika Srpska leaders claim they wish to join. They should be in no doubt that, when NATO and the European Union say that if they want Bosnia and Herzegovina to join those institutions, they must cooperate with the ICTY, those are not empty words: they are deadly serious ones. They should be in no doubt that they cannot treat this solemn obligation — which they signed on to in Dayton — as if it were written in invisible ink, when it is there in black and white. And they need to be clear that the international community — and, I hope, the Security Council — will not permit them to remain, with impunity, in fundamental breach of a cardinal requirement of the Dayton Agreement.

Justice has a long memory, and Srebrenica has made an indelible impression on it. Nine years is already too long — far too long. Time is running out to take action to comply with international law. Time is running out for Republika Srpska to continue to block Bosnia and Herzegovina's path to the European Union and to NATO. Time is running out for those who think they can abuse the protections offered by Dayton.

So I hope that the message will go out unambiguously and firmly from the Council to the leaders of Republika Srpska that the time has come when this must be done, and the time for excuses for not doing it is over. Because this is now — I have no doubt — the biggest stumbling block on the path towards a brighter future, and the longer it remains unresolved, the longer it will take for Bosnia and Herzegovina finally to make that crucial break with the past and embrace a brighter future as a modern European nation. That is what the citizens across Bosnia and Herzegovina so desperately want to see, and it is what they so manifestly deserve.

I began this statement by looking back to 1994, to recall how far Bosnia and Herzegovina has come since the horrors of that war. Perhaps I could end it by inviting members to cast their minds forward 10 years and to imagine what Bosnia and Herzegovina could be like then. I believe there is now a real prospect that, if this crucial issue of cooperation with The Hague can be resolved, if Bosnia and Herzegovina can maintain its remarkable reform efforts and if the international community can maintain its interest and support, Bosnia and Herzegovina will, by then, be a country transformed in a region that has been transformed. That would be a huge prize, not just for Bosnia and Herzegovina, but for the entire international community, which the Council represents.

So my final word is: let us resolve to stick at it until that job is done. We are nearly there.

The President: I thank Lord Ashdown for his comprehensive briefing.

I now give the floor to His Excellency Mr. Mladen Ivanić, Deputy Chairman of the Council of Ministers and Minister for Foreign Affairs of Bosnia and Herzegovina.

Mr. Ivanić (Bosnia and Herzegovina): Let me begin by expressing, on behalf of the Government and the people of Bosnia and Herzegovina, my deepest condolences to the Palestinian people on the painful loss of their leader, Mr. Yasser Arafat.

It is truly a great honour for me to have the opportunity to address the Security Council for the first time in my mandate as Minister for Foreign Affairs of Bosnia and Herzegovina on the occasion of the Council's consideration of the High Representative's report on the implementation of the Peace Agreement (S/2004/807, enclosure), which was submitted to the Secretary-General.

At the outset, allow me to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month and to wish you every success in your endeavours. I would also like to take this opportunity to thank Lord Ashdown for his extremely eloquent and elaborate report encompassing the activities of the Office of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina for the past six months.

Despite all the difficulties that we had in the past half year, I should like to begin on an optimistic note. Bosnia and Herzegovina has made significant progress towards the full implementation of the Dayton/Paris Peace Agreement. NATO announced at its recent summit in Istanbul that the Stabilization Force (SFOR) has successfully fulfilled its mandate. Upon the termination of the SFOR mandate, a new mission for a European Union-led force (EUFOR) will be established; this marks a new stage in the process of Euro-Atlantic integration. At the same time, NATO will maintain a presence in the headquarters in Sarajevo, aimed at assisting the Bosnia and Herzegovina authorities in the field of defence reform, in the apprehension of persons indicted for war crimes and in the fight against organized crime and terrorism. The handover is a clear sign that a new phase is beginning in the history of Bosnia and Herzegovina. We have transformed ourselves into a virtually normal European State in transition — from old-style socialism to a free-market economy, from a communist pre-war regime to a Western-type democracy, from a zone of war and conflict to a stabilizing factor in the region.

But, before I make a few remarks on our reform process, I would like to bring section XIII of the report all the way to the top and emphasize its content as the most significant development in the reporting period. Last Monday, the Human Rights Chamber of the Constitutional Court of Bosnia and Herzegovina accepted the report of the Government of Republika Srpska on the events that took place in and around Srebrenica in July 1995. The special Commission on Srebrenica, established by the Government of Republika Srpska, thus completed its historical mission and laid the cornerstone for successful post-war reconciliation in my country. The report not only contains the names of 7,800 persons who lost their lives in what were certainly the most tragic of all the events in the conflict and discloses several new locations of mass graves, but also accepts the share of responsibility placed upon Republika Srpska and expresses remorse to the families of the victims. Crimes were committed on all sides, as we all know, and we expect all sides that were involved in the conflict to follow this example, since there will be no true reconciliation or restoration of trust until all missing persons are accounted for.

We are well aware of the fact that cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) remains one of the greatest obstacles to Bosnia and Herzegovina's association with Euro-Atlantic integration processes. If it were not for that one condition, we would have fulfilled all the conditions set forth in the Feasibility Study; we probably would have signed a stabilization and association agreement with the European Union and would be a member of the Partnership for Peace.

However, the apprehension of the Hague Tribunal indictees is a delicate matter for both the local authorities and the international community, but it is no longer a political issue. As a result of continuous requests by the international community, the authorities of Republic Srpska have recently made several attempts to arrest some of the indictees. One of those attempts, in April this year, caused the most unwanted consequences: the death of an innocent civilian and the prosecution of two police officers. There is a firm political commitment to arrest the indicted war criminals as well as an awareness on the part of the people of Bosnia and Herzegovina that full cooperation with the ICTY is a precondition for the country's being recognized as a democratic State. As a result of the reforms, the State's capacity to deal with this problem has increased significantly. A State intelligence service has been established as well as a State Investigation and Protection Agency, with a special department dealing with the war-crimes issue. We are deeply convinced that all those measures will produce concrete results.

Bosnia and Herzegovina particularly underlines the importance of close cooperation among neighbouring States in this particular matter. However, we are convinced that, without full coordination and collaboration on this issue with the international organizations that are present in Bosnia and Herzegovina — the ICTY, EUFOR, NATO, the European Union Police Mission in Bosnia and Herzegovina and the Office of the High Representative — the apprehension of indictees will be less certain.

I should now like to make a few remarks on economic reform. Ever since the current Council of Ministers came into office, it has shown its readiness and its competence to tackle the field of economic reform as its number-one priority. Therefore, the results are little short of remarkable: all the capital

laws required as a condition for a stabilization and association agreement are in place, and even a law that was not a condition but was deemed absolutely necessary by the Government — the law on value-added tax — is being considered in a parliamentary procedure even as I speak. Needless to say, those results have been achieved in close cooperation with the Office of the High Representative, the World Bank, the International Monetary Fund and other international experts. The law on internal debt, not without difficulties, was adopted by the Parliament in a version that meets the recommendations of the IMF.

Reforms in other fields have been equally successful. The State Ministry of Defence is operational. The State Investigation and Protection Agency has already assumed its role in tackling State-level crime. The State Court is delivering its first verdicts against organized crime and corruption, thus making a great contribution to restoring the general population's trust in the legal system and the rule of law. A reformed customs service, together with the State Border Service, successfully fights smuggling, while at the same time increasing revenues.

As far as regional cooperation is concerned, Bosnia and Herzegovina continues to play an active role in regional organizations such as the South-East European Cooperation Process, the Stability Pact for South-Eastern Europe and the Central European Initiative, as well as on the bilateral level. Emphasis is placed on stronger and more open cooperation among the countries of South-East Europe, with the aim of changing the image of the region and attracting foreign investment. The economic progress and the prosperity of the region depend upon stability — which we were not blessed with in the past, but which we are now continuing to improve.

That can be done only in the best spirit of good-neighbourly and good regional relations, and we will continue our efforts to that end. We are determined to keep improving our relations with our immediate neighbours, Serbia and Montenegro and the Republic of Croatia, as well as with all other countries of the region. Bosnia and Herzegovina remains determined to continuously fulfil all its obligations and to meet the criteria to be a part of Partnership for Peace programme. Together with the other countries of the region, we have set out a very active approach through the Adriatic Charter. Through that forum we have received the support of the countries of the region in order to achieve the final goal of full membership in the North Atlantic Treaty Organization.

Even though we all agree that a huge job has been accomplished in Bosnia and Herzegovina to date, we must not slow down and admire our achievements. In order to complete our mission and achieve our common goal of full political stability and economic sustainability, we have to put in much more hard work and make many more joint efforts at the local and international levels. A detailed analysis of current conditions in Bosnia and Herzegovina, as well as an overview of tasks that are still ahead of us, is contained in the High Representative's report. While fully sharing the opinion that urgent measures are required in key development sectors, I wish also to assure the Council that the authorities of Bosnia and Herzegovina will make whatever efforts are necessary to that end. At the same time, I am convinced that we shall continue to receive the Council's invaluable support, as we have in the past.

I would like to conclude by making one final remark. All the aforementioned reforms would not have been possible without the firm readiness of the institutions and the politicians of Bosnia and Herzegovina to take responsibility and to make necessary compromises. Not a single law has been imposed by the Office of the High Representative in the last year. Although some laws were highly sensitive politically, all were adopted through regular parliamentary procedures. Furthermore, a month ago, local elections took place in Bosnia and Herzegovina, for the first time independently organized and financed. International observers declared the elections to be fair and properly conducted. However, the fact remains that we continue to have a rather poor turnout for both local and general elections. Part of the reason might be that voters still fail to recognize that local politicians are the true bearers of authority, despite the fact that a great number of the reforms have been agreed among us.

The institution of the High Representative has played very important role in Bosnia and Herzegovina, but I am convinced that the time has come to consider the review of its mandate. Ten years after the Dayton Peace Agreement was signed, the institution of the High Representative, with the so-called Bonn powers — the authorization to impose laws and dismiss politicians — should be transformed. I believe that the best time for that is the end of next year. In that

regard, I would like to assure the Council that the authorities of Bosnia and Herzegovina are more than ready to assume full power and responsibility for the future of the country.

Mr. Pleuger (Germany): Allow me first to say a few words with regard to the death of President Arafat. With the passing away of President Yasser Arafat, the Palestinian people have lost their historic leader. We offer our condolences to the bereaved family and to the Palestinian people. The life of Yasser Arafat testifies to the troubled and tragic history of the Palestinian people and of the Middle East in general. His life and his endeavours reflected the hopes for peace of many people but reflected also progress and setbacks on the road to peace. In this hour, we wish that the Palestinian people may have the strength and the resolve to continue their efforts towards a sovereign, independent and democratic State, living in peace, within recognized borders, side by side with Israel. We hope that the Palestinian people will soon have a new elected leadership committed to continuing the search for peace and justice.

Germany wishes to affiliate itself with the statement to be delivered later by the Dutch Permanent Representative on behalf of the European Union.

We would like to express our appreciation for both the report (S/2004/807, enclosure) and today's briefing by the High Representative, which come at a crucial time in the reform process. We all owe our gratitude to Lord Ashdown for his tireless efforts. Without his personal dedication and determination, we would not be standing today at the crossroads leading from the era of Dayton to the era of Brussels. We would also like to thank the Foreign Minister of Bosnia and Herzegovina for his statement.

Despite the shortcomings outlined in both statements, we can reflect on important progress today. In line with the principle of local ownership and with our approach of true partnership, core tasks have been achieved, in particular in the fields of economic and defence reform, the rule of law and the strengthening of institutions at the State level. Nine years after the signing of the Dayton Agreement, we want to further enlarge that ownership in order to encourage the people of Bosnia and Herzegovina to promote and implement their own political, judicial, economic and social ideas within their own State institutions. The cooperation of Prime Minister Terzić's Government and the other political forces in Bosnia and Herzegovina with the High Representative, as well as with European Union (EU) and North Atlantic Treaty Organization (NATO) structures has been and will be essential for the reform process.

As a member of the European Union, as well as bilaterally, Germany will continue to support that process in all its aspects, including the integration of Bosnia and Herzegovina into the Euro-Atlantic structures, as promised in the Stability Pact. The security of all citizens is the precondition for those reforms. Therefore, Germany will remain dedicated to the military support necessary for a secure environment. With more than 1,100 soldiers, Germany will be the largest troop contributor to Operation Althea.

The transition to the European Union-led force (EUFOR) — under a new Security Council mandate we hope to adopt very soon — is proof of the strategic partnership of the European Union with the region and demonstrates the growing institutional cooperation among the United Nations, NATO and the European Union in peacekeeping. We therefore welcome the chance to discuss that cooperation later today with the Secretary General of NATO. After 2 December, NATO will remain an important political partner in Bosnia and Herzegovina and be present as an advisor, with new headquarters in Sarajevo.

Lord Ashdown, who is serving as the High Representative and as the Special Representative of the EU, has been clear on the demands to be met on this road to European integration: the benchmarks set out by the European Commission in order to finalize its feasibility study and by NATO as conditions for entering its Partnership for Peace programme remain the principal framework for the efforts and the eventual success of the Bosnian Government. In that regard, let me mention the call for cooperation with the war crimes Tribunal. We fully subscribe to Lord Ashdown's joint appeal, with the Chief Prosecutor of the International Tribunal for the Former Yugoslavia, Ms. Del Ponte, last month at The Hague. There can be no compromise on the commitment to the rule of law. The War Crimes Chamber must become operational soon, and must get the full support of the Republika Srpska. As a step to reconciliation, we welcome yesterday's declaration on Srebrenica, which was also mentioned by the Foreign Minister. But we believe

that, in order to reach a sustainable peace, all persons indicted must face a judge.

Mr. Thomson (United Kingdom): I, too, would like to begin with some brief remarks about the passing of President Yasser Arafat. We know that the Palestinian people are today feeling a tremendous loss. Yasser Arafat was a significant figure in the Middle East who played an important role. He led the Palestinians to acceptance of a two-State solution. Negotiations are the way to achieve that. We are determined to continue our efforts to reach that goal, and we hope and expect that all concerned in the region and in the international community will remain similarly determined.

Turning to our discussion on Bosnia and Herzegovina, I should like first to associate myself with the statement to be made later by the Netherlands on behalf of the European Union. I would like to thank both Lord Ashdown and the Foreign Minister of Bosnia and Herzegovina for their very helpful, focused briefings to the Council this morning. What they had to say to us is a sharp reminder of just how very extensive, detailed, delicate and painstaking the work is to build a post-conflict State. I want particularly to thank Lord Ashdown's team, and Lord Ashdown personally, for his role in the significant achievements of the past two years. Much of the progress that we have seen and that we have had catalogued for us this morning would not have been possible without the drive, determination and dedication of Lord Ashdown and his team.

Given the comprehensive nature of the two briefings and the European Union's statement to be made later, I would like to limit my remarks to just four brief points. The first concerns the issue of the International Tribunal for the Former Yugoslavia (ICTY). The extent of the progress made in the past two years — progress to which I referred earlier — is reflected in the fact that two key milestones of Euro-Atlantic integration — membership of NATO's Partnership for Peace and negotiations on a stabilization and association agreement with the European Union — are within Bosnia's grasp. But as Lord Ashdown has made eloquently clear, Bosnia and Herzegovina's failure and, much more specifically, the Republika Srpska's failure, to grasp the nettle of ICTY cooperation represents a fundamental barrier to the realization of Bosnia and Herzegovina's Euro-Atlantic aspirations. More immediately, it represents a fundamental barrier to membership of the Partnership for Peace and to the opening of negotiations on a stabilization and association agreement.

The statistic that Lord Ashdown gave us, that not one single fugitive indictee has been arrested in the course of nine years in the Republika Srpska, is a very sobering one. Until the ICTY issue is resolved, the path to the European Union and to NATO — where we firmly believe Bosnia and Herzegovina's future lies — will remain blocked.

The Security Council has made clear on a number of occasions the obligation on all Member States, in particular those in the region, to do all they can to bring fugitive ICTY indictees — in particular Karadzic, Mladic and Gotovina — to trial in The Hague.

I would like to say to the Foreign Minister that it is important that Bosnia and Herzegovina, as well as Serbia and Montenegro and Croatia, be in no doubt about the importance that the Security Council attaches to this issue.

Turning to my next point, the developing relationship between NATO and the European Union-led force (EUFOR), we believe that we are on track for a smooth transition from the Stabilization Force (SFOR) to an EU military mission, which will be led for the first year by my country, the United Kingdom. The remaining NATO presence will also continue to play an important role. The rate of progress to date reflects, among other things, the excellent relationship between the EUFOR Commander, Major General Leakey, and the current SFOR Commander and future senior NATO military representative, General Schook, and we are certain that that close cooperation will continue to the benefit of the effectiveness of both organizations on the ground.

The fact that NATO has made clear its continued commitment to Bosnia and Herzegovina is very important. The presence of NATO troops has been key to all that has been achieved since 1995, and NATO will continue to play a vital, although different, role after EUFOR takes over the main peace stabilization role. We should all welcome that.

I would like next to say a brief word on police decertification. I had not intended to speak about this matter today, but Lord Ashdown has spoken with feeling about it. It sounds as though the United Nations

needs to get more of a grip on this issue. Lord Ashdown spoke of the eventual phasing out of the Office of the High Representative. We agree that he is right to highlight the fact that the use of the Bonn powers has evolved and should continue to evolve. In conclusion, I would like to underline our feeling that important changes in the role of the High Representative and his Office should reflect progress on the ground, rather than any preconceived idea of what should come next. The Peace Implementation Council Steering Board will, I know, be considering those issues in due course.

Mr. Sardenberg (Brazil): I would like to begin by stating that the Government and the people of Brazil received with deep emotion and great sadness the announcement of the passing away of President Yasser Arafat, a historic leader in the struggle of the Palestinian people for self-determination and independence.

I would like to thank Lord Ashdown for his comprehensive briefing and update on recent developments in Bosnia and Herzegovina. The delegation of Brazil acknowledges the quality and intensity of his work in leading the implementation of the peace agreement. We also note with satisfaction the presence at this meeting of His Excellency Mr. Mladen Ivanić, Minister for Foreign Affairs of Bosnia and Herzegovina. The Office of the High Representative has provided important assistance to Bosnia and Herzegovina's effort to build and develop the State structures for functional governance. The rule of law, economic reform, institutional strengthening and defence reform have all been significantly advanced in the period covered by the latest report. The drafting of new legislation has been a decisive element of that advance.

Brazil encourages the country's authorities to redouble their efforts to eliminate bottlenecks that still hinder the drafting, adoption and implementation of much-needed reform legislation. The implementation of a number of laws establishing a true State-level defence system, an operative and cohesive police force and indirect taxation structures is crucial to set the country on the path to the next stage of the peace process. We note with satisfaction that the Bosnia and Herzegovina tripartite Presidency has confirmed its support for tax law reform and for the wider reform process aimed at preparing the country for meeting the European Union (EU) benchmarks.

Nevertheless, progress in some areas remains slow and difficult. In that connection, I would mention the problem of refugees. Only a small number of the persons displaced by the 1992-1995 war have returned permanently to their homes. Republika Srpska should stop obstructing the necessary harmonization of legislation on refugees and displaced persons and other needed measures. In spite of the laudable efforts that have furthered the goal of unifying the city of Mostar, Croats and Muslims living there still remain segregated in practice.

Against that backdrop, though, the recent initiative of the Republika Srpska authorities, apologizing for the first time for the massacre of Muslims in Srebrenica nine years ago, may be an important step towards more engaged cooperation on the part of the Serb authorities in efforts towards healing the deep wounds left by war and bringing to justice the perpetrators of those hideous crimes.

The handing over of the mission in Bosnia and Herzegovina from the Stabilization Force to an EU-led force (EUFOR) is backed by significant improvement in the security situation on the ground and may yield positive dividends. EUFOR must continue to fulfil important tasks, such as arresting war criminals, monitoring and securing weapons and helping with armed forces reform. We note that NATO will remain engaged in tasks relating to defence system reform, among other matters, and will maintain its presence at Sarajevo headquarters.

With the committed assistance and supervision of the international community, Bosnia and Herzegovina must remain firmly on the path towards the implementation of structural reforms. The success of the Council's endeavours in that country is an important element in the delicate political equation of the Balkans. It will not only help further the fight against instability and crime; it will also advance the broader effort to promote the flourishing of multi-ethnic, tolerant and democratic societies in the whole region.

Mr. Denisov (Russian Federation) (*spoke in Russian*): Allow me also to say a few words in connection with the passing of Yasser Arafat. A major international political activist has passed away. He dedicated his entire life to the just cause of the Palestinian people, to fighting for its inalienable right to the establishment of an independent State which

would exist in peace with Israel within secure and internationally recognized borders. The President of the Russian Federation has sent the appropriate message to the leaders of the Palestinian National Authority, in which he described Mr. Arafat's passing as a heavy loss to all Palestinians. Our country will be represented at Mr. Arafat's funeral by Mr. Boris Gryzlov, Speaker of the Parliament of the Russian Federation.

Turning to the item on our agenda, allow me to express gratitude to the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, Lord Ashdown, for having introduced the report, which contains a full picture of the Bosnian settlement process, and also for his substantive briefing on the present stage of the implementation of the Peace Agreement. We are also pleased to welcome here the Minister for Foreign Affairs of Bosnia and Herzegovina, Mr. Mladen Ivanić; we thank him for his statement of the position of the Bosnian Government.

We note with satisfaction the positive dynamic of the processes taking place in Bosnia and Herzegovina and the key role being played by the High Representative in ensuring, in cooperation with the Bosnian authorities, the success of the reforms being carried out there. The Russian Federation is ready to continue to support the efforts being made by the High Representative and his Office to form a viable State system in Bosnia and Herzegovina, above all in strengthening the supremacy of the rule of law.

Despite visible changes in Bosnia and Herzegovina, the stabilization process in that country is still moving at an uneven pace. There continues to be mutual distrust among the peoples of the country who are forming a State; substantive divergences remain regarding strategic objectives and the future of Bosnia and Herzegovina.

Of course, we cannot fail to note the complex economic and social situation and the high level of unemployment, although in that respect some positive steps have been taken, as described today by the Minister for Foreign Affairs of Bosnia and Herzegovina.

We believe that international backing is still necessary at this stage for the development of Bosnia and Herzegovina. That by no means invalidates the basic policy of a phased transfer to the Bosnian authorities of responsibility for the situation in the country. We continue insistently to favour a gradual reduction in the staffs and the competencies of international agencies in Bosnia and Herzegovina; here, we are paying particular attention to the High Representative's mission implementation plan.

We believe that the affirmed dedication of the western Balkan countries to the European perspective can unquestionably be used effectively as an additional stabilizing factor in the region. Nevertheless, we believe that the process of a settlement in Bosnia cannot be totally adjusted to the agenda of the European Union. The most important thing at this stage remains the implementation of the Dayton Peace Agreements. Dayton should not be reduced to the 16 conditions identified by the European Commission and to the requirements of the Partnership for Peace programme. Nor should the responsibility for the problems that continue to exist in Bosnia and Herzegovina be attributed solely to the Serbs.

Cooperation with the International Criminal Tribunal for the Former Yugoslavia unquestionably is an important element of the Dayton Agreements. The Russian Federation also favours the strictest compliance with relevant Security Council resolutions. Here, I should note that we recently paid in full our financial obligations to the Tribunal.

However, we do not consider that the stability of Bosnia and Herzegovina and the peace process as a whole should be held hostage to that specific aspect of the Dayton Agreement. It is only one aspect of Dayton. Recently, there has been increasingly harsh criticism of Republika Srpska because of the lack of progress in this area. We believe that international agencies and systems must carry out a balanced and objective policy towards all three of the peoples now forming the State and towards both of the Bosnian entities, in particular since the authorities in Banja Luka have, on the whole, been taking a constructive position on many issues related to the implementation of the Peace Agreement and to the implementation of the reforms.

An extremely important objective of the process leading to a peace settlement in Bosnia and Herzegovina continues to be that of ensuring the equality of citizens throughout the territory of the country. We attach great importance to full implementation of the 1999 amendments to the constitutions of the entities, regarding so-called constituent peoples. This work must be concluded

while Bosnia and Herzegovina remains in the Dayton era. We note that, as far as this issue is concerned, Republika Srpska is ahead of the federation, which still has a great deal to do to meet its obligations. We welcome the progress made in the implementation of the military reform in Bosnia Herzegovina — including, among other things, the formation of a single command structure and the establishment of civilian control.

We are counting on the fact that the process of reforming the police, which has begun, will be conducted as military reform is being conducted, in a highly balanced fashion, which will involve consensus on all of the planned transformations, and without pressing for excessive centralization in that area.

Along with that, the Office of the High Representative should continue to closely follow social problems, such as the return of property that belongs to the State and providing for pensions, among others. A just decision on their part will determine, to a great extent, both the speed and the extent of achieving political stability in the country.

The transfer of the military component of the peace agreement to the responsibility of the European Union is an extremely important and major stage of the stabilization process in Bosnia and Herzegovina. In our view, the most important thing is to ensure a smooth transfer, with the drawdown of the Stabilization Force (SFOR), and to carry out the transfer of the various competencies within the framework of international law, including appropriate monitoring by the United Nations Security Council.

For its part, Russia intends to continue to play an active and constructive role in the process of implementing the principles agreed on by the international community for a Bosnian settlement, within the framework of the mechanism established to achieve that objective — in particular, within the framework of the Peace Implementation Council and its Steering Board, the contact group, and in close contact with the High Representative.

Mr. Muñoz (Chile): Chile would like to join the condolences expressed here to the Palestinian people and the family on the occasion of the sad death of President Yasser Arafat. In Chile, about half a million citizens are of Palestinian origin, and for them, this is a particularly sad day and a tremendous loss. President Arafat will be remembered as the man who transformed the cause for Palestinian rights, uniting diverse groups into a concrete and internationally recognized process, leading up to an independent, sovereign Palestinian State, hopefully living side by side in peace with Israel. We feel that the best homage to his passing away would be to reactivate, unequivocally, the road map for peace.

(*spoke in Spanish*)

I am grateful for the complete introduction to the report of the Secretary-General on Bosnia and Herzegovina (S/2004/807) provided by Lord Paddy Ashdown, the High Representative for the implementation of the Dayton Peace Agreement pursuant to Security Council resolution 1031 (1995). We also welcome the Minister for Foreign Affairs of Bosnia and Herzegovina, Mr. Mladen Ivanić.

Today, Bosnia and Herzegovina is very different from what it was in the 1990s, when we witnessed one of the most brutal chapters in history there. In addition to the priorities that the High Representative has put forward with regard to moving towards the rule of law and the adoption of economic reforms, we believe his decision to focus efforts on improving the functioning and effectiveness of government institutions in Bosnia and Herzegovina is wise.

From the report we see that this period has been characterized by achievements that deserve our appreciation. There has been significant progress in legislative reform, and the beginning of important structural changes with regard to the prevention of crime, the justice system, the customs and tax systems, the creation of a single economic space, and the energy sector.

We think reform should continue in the defence sector and in increasing the capacity of Bosnia and Herzegovina to develop intelligence activities in the field of criminal justice, so that it can fight against organized crime and corruption.

There have been advances made towards normalization, through the transfer from the NATO Stabilization Force to the European Union-led force (EUFOR), a change that was supported by the Security Council.

In spite of all of the progress, there is an ethical imperative to continue to seek clarification with regard to serious human rights violations. We say this as a country that has had to confront the tremendous burden

of past violations of human rights. It is unacceptable that the authorities of the Republika Srpska have not been able to bring a single person accused of war crimes before the International Criminal Tribunal for the Former Yugoslavia (ICTY). It is urgent to continue to work against those who obstruct the work of the ICTY and the implementation of its mandate and against those who give material support to persons who are accused of war crimes. For that reason we support the special measures adopted by the High Representative to identify and punish persons and organizations that are supporting war criminals.

We are shocked to read in the report of the atrocities perpetrated in Srebrenica between 10 and 19 July 1995. The killing of some 8,000 Bosnians, according to the report, can not fail to shock our conscience. We express our solidarity with the families of the victims.

Although it is true that, for the first time, the Republika Srpska has acknowledged the origins, scope and nature of the atrocities — which is a positive step — no effort should be spared until those who committed the crimes, and their accomplices, are brought before the International Criminal Tribunal for the Former Yugoslavia.

Lastly, the recognized progress in these nine years of the implementation of the Dayton Peace Agreement bring us some distance from the atrocities that we saw in Srebrenica, as well as in Žepa, Banja Luka and Sanski Most, to name a few. Chile will continue to offer its cooperation. In the past we did this in the form of police officers for the United Nations Mission in Bosnia and Herzegovina (UNMIBH), and, more recently, officers and troops of the Chilean Army, so that Bosnia and Herzegovina can regain its traditions of progress and peaceful coexistence.

Mr. Zhang Yishan (China) (*spoke in Chinese*): Before making my statement, I wish to express my condolences for the passing away of President Arafat. The Chinese Government and its people are deeply saddened by the passing away of President Arafat. The President of China has already sent a message to the people of Palestine and to the Palestinian leaders and the bereaved families to express its condolences. China will also send a special envoy to attend the funeral of President Arafat.

President Arafat was an outstanding leader of the Palestinian people. He was also an outstanding statesman. He devoted his entire life to the just cause of the Palestinian people. He was not only held in high esteem and loved by the Palestinian people, but also had great prestige, in the eyes of the international community.

The passing away of President Arafat is a tremendous loss for the Palestinian people. I am confident the Palestinian people will turn their grief into strength and will carry on the wish of President Arafat, in order to advance the cause he left unfinished. We are confident that there will eventually be a solution to the Middle East issue. We hope that all countries and people, including the Palestinian people, can live in peace, stability, cooperation and prosperity, as soon as possible. The Chinese Government and people will work together with the international community and play their part in finding a peaceful solution to the question of the Middle East.

I wish also to thank Lord Ashdown for his report and for his additional briefing. We support the work he is doing to promote the peace process in Bosnia and Herzegovina. I wish also to welcome the Minister for Foreign Affairs of Bosnia and Herzegovina, Mr. Ivanić, for his presence at this meeting and for his statement. We appreciate the active efforts made by the authorities of Bosnia and Herzegovina during the first half of this year in strengthening State institutions, speeding up institutional reforms, promoting national reconciliation and consolidating the rule of law.

We hope that, on the basis of this work, the authorities of Bosnia and Herzegovina will continue to take effective measures to strengthen the rule of law, revitalize the economy and gradually enhance the administrative capabilities of the Government.

We welcome the fact that there will soon be a European Union-led force (EUFOR). We hope that there will be a smooth transition from the Stabilization Force (SFOR) to EUFOR and that the latter will play a constructive role in helping Bosnia and Herzegovina to maintain stability.

Over the past 10 years, since the signing of the Dayton Agreement, through the joint efforts of the various parties in Bosnia and Herzegovina and with the help of the international community, Bosnia and Herzegovina has made encouraging progress in all areas of national reconstruction. We are confident that the various parties in Bosnia and Herzegovina will continue to strengthen their mutual confidence and

their unity, so that the people of Bosnia and Herzegovina can move gradually towards harmonious coexistence and joint development and eventually achieve the goal of their unification and their integration into Europe.

Peace and stability in Bosnia and Herzegovina is vital to achieving lasting peace and development in the region. China has been closely following developments in the country and will continue to work with the international community and to play its part to help Bosnia and Herzegovina achieve lasting peace and stability as well as economic development.

Mr. Akram (Pakistan): The people and the Government of Pakistan today mourn the sad demise of President Yasser Arafat, the noble leader of a noble struggle — an epic struggle, against impossible odds, for self-determination and national liberation. Pakistan has declared three days of national mourning to mark the passing of this man, who, more than any other, symbolized the just aspirations and the unjust suffering of the Palestinian people.

Pakistan is confident that, inspired by the legacy of Yasser Arafat, the Palestinian people will realize their aspirations sooner rather than later, ending foreign military occupation and creating a free, sovereign and viable Palestinian State in Palestine.

Mr. President, I would also like to take this opportunity to express our appreciation for the effective manner in which you are guiding the Security Council during this important month and the equally skilful way in which your predecessor, Ambassador Emyr Jones Parry, discharged his responsibilities during the British presidency.

I would like to welcome the presence of Mr. Mladan Ivanovic, the Foreign Minister of Bosnia and Herzegovina, and I take this opportunity to once again express our fraternal sentiments towards his country and his people.

I wish also to welcome Lord Paddy Ashdown, the High Representative for Bosnia and Herzegovina, once again to the Council and to thank him for his very informative briefing.

Pakistan appreciates the considerable progress that has been made by Bosnia and Herzegovina towards the objective of becoming, as Lord Ashdown has stated, a peaceful, viable State on course to European integration. This is in large measure due to the resilient and resourceful people of Bosnia and Herzegovina as well as to the sustained commitment of the international community. We also appreciate the efforts of the Stabilization Force (SFOR), under NATO command, in providing security assistance in Bosnia and Herzegovina, following the role played by the United Nations Protection Force, in which Pakistan was proud to have played a part. We hope that the European-led peacekeeping force (EUFOR), which will take over from SFOR, will complete the stabilization process in Bosnia and Herzegovina.

Pakistan appreciates the achievements made by the Office of the High Representative in promoting the rule of law, strengthening the institutions of justice, carrying out reforms in the security and intelligence sectors, and instituting fiscal and economic reforms.

We also take note of Lord Ashdown's intention to continue his efforts to assist in improving the operation and effectiveness of Bosnia and Herzegovina's governing institutions in promoting human rights and national reconciliation.

We are especially heartened to note that the historic bridge in Mostar, destroyed during the war, has now been rebuilt. Moves are also being made to rebuild political and social bridges in that divided city, which once epitomized the tragedy that had befallen Bosnia and Herzegovina.

Similarly, we are pleased to note that progress has been made by the Srebrenica Commission to address the issues of truth and justice for the 8,000 innocent Bosnian Muslims who were massacred in that town by extremist forces.

In spite of those achievements, several hurdles stand in the way of national integration: parallel structures and the intransigence of a number of what Lord Ashdown has described as "obscurantist elements" in the Republika Srpska, including those who continue to harbour and support known war criminals such as Radovan Karadzic and Ratko Mladic.

The issues of justice and national reconciliation remain fundamental to Bosnia's future as a peaceful, stable and unified nation-State. Economic development is essential for sustainable peace. We appreciate the fiscal reforms being carried out by the Office of the High Representative aimed at creating a single economic space in Bosnia and Herzegovina, but these

reforms need to be supported by sustained foreign assistance and investment.

In Bosnia, as in the European Union itself, political integration is predicated on economic growth and cooperation. We hope that the pull of Europe, which Bosnia is continuing to experience, will become stronger, and it will if it is accompanied by generous economic and reconstruction support from Europe.

Pakistan, which has ties of fraternity with Bosnia and Herzegovina, will continue to extend its cooperation, within its means, as agreed during the visit of President Sulejman Tihić of Bosnia and Herzegovina to Pakistan in August this year.

We are deeply committed to the goals of peace, harmony and prosperity in Bosnia and Herzegovina and to its emergence as a modern State and a success story for the United Nations and for the international community.

Mr. Mercado (Philippines): We join other delegations in expressing our sincerest sympathies to the people of Palestine on the death of their leader, President Yasser Arafat. We hope that his death will unite the people of Palestine and his successor in the search for a durable and lasting peace in the Middle East that will lead to an independent and sovereign Palestine existing side by side in peace with Israel.

We thank Lord Ashdown for his report (S/2004/807, enclosure). His briefing this morning accorded us a better appreciation of how far the international community and the Government and the people of Bosnia and Herzegovina have gone in their journey towards statehood and European integration.

We also welcome the presence this morning of His Excellency the Foreign Minister of Bosnia and Herzegovina, Mr. Mladen Ivanić.

Last March we listened to a briefing by the High Representative on the situation in Bosnia and Herzegovina, almost a decade after the international community stepped in to put an end to the senseless bloodshed that had torn that country and the Balkans apart. The Philippines is encouraged to hear that much has been accomplished since then, particularly in the consolidation of the rule of law, as well as in the successful implementation of defence, legislative and economic reforms. My delegation is pleased to know that those accomplishments have brought Bosnia and Herzegovina within the reach of NATO's Partnership for Peace programme and of negotiations on the conclusion of a stabilization and association agreement with the European Union.

Eight months ago the Philippines expressed its grave concern over the fact that a number of those who were behind the slaughter of men, women and children during the crisis in Bosnia and Herzegovina more than a decade ago continued to evade justice. Five months ago, my delegation again raised that concern and expressed its hope that Serb authorities in Republika Srpska would help to correct that grave injustice by finally cooperating with the international community — that, after several authorities acknowledged for the first time that their forces were responsible for the massacre of 7,800 Bosnian men and boys in Srebrenica in 1995.

This week, the final report of the massacre in Srebrenica was presented to the Bosnian Serb government. The report, we understand, contains a list of those involved in what has been described as the worst atrocity carried out against civilians in Europe since the end of the Second World War. Today, the Philippines once again reiterates its concerns and expresses its hope that the Bosnian Serb authorities will make the right decision and take the proper action so that the country can emerge from this tragic and bloody chapter in its history. In particular, we would like to reiterate our desire to see indicted war criminals, especially Radovan Karadzic and Radko Mladic and others involved in those crimes, stand before the International Tribunal for the Former Yugoslavia and face trial for war crimes and crimes against humanity. We also expect the relevant authorities in Bosnia and Herzegovina, starting in January 2005, to investigate and prosecute other war crimes. Moreover, we expect similar action to be undertaken against those identified in the final report on the massacre in Srebrenica.

We note with concern in the report of the High Representative that most major crimes committed in Bosnia and Herzegovina have an international dimension and that the current police system is ill-equipped to address the increasingly sophisticated challenges posed by organized crime, terrorists, drug trafficking and money-laundering. We welcome, therefore, efforts by the authorities of Bosnia and Herzegovina to give priority to those sensitive and important sectors. We also look forward to the end-of-

the-year report of the Police Restructuring Commis..on.

Bosnia and Herzegovina has come a long way from where it was almost a decade ago. Slowly but surely it is evolving into a peaceful and viable State, on course for its goal of integration with the rest of Europe. My delegation is optimistic that the relevant authorities in Bosnia and Herzegovina will realize soon enough that that the best and only way forward for them is to extend their full trust, support and cooperation to the international community. There is no other way.

Mr. Duclos (France) (*spoke in French*): This morning the President of the French Republic paid tribute to President Arafat. He extended his condolences, on behalf of the French people and Government, to the family and associates of Yasser Arafat, and I reiterate them here. We send a message of friendship and solidarity to the Palestinian people and to its leaders. France will continue tirelessly to work for peace and security in the Middle East, with respect for the rights of Palestinians and with respect for the rights of Israelis.

I would like to thank Lord Ashdown for his statement, which served to supplement his excellent report (S/2004/807, enclosure). I would also like to warmly thank the Minister for Foreign Affairs of Bosnia and Herzegovina for his statement.

My delegation associates itself with the statement that will be made later by the representative of the Netherlands on behalf of the European Union. I shall therefore limit myself to three comments.

First, I would like to reaffirm France's support for the actions undertaken by Lord Ashdown in Bosnia and Herzegovina. We share the priority goals of his mission. Moreover, we fully share his ultimate goal, which some speakers have already mentioned: to make Bosnia and Herzegovina a peaceful and viable State embarked on the path of European integration. Lord Ashdown's determination has made it possible to achieve fresh, considerable progress in all areas. We are most gratified by that progress and we thank him for it.

Secondly, I would like to recall that we attach great importance to cooperation by all the authorities of the country with the International Tribunal for the Former Yugoslavia. In that regard, we would note that concrete results are needed. We support the measures taken by the High Representative to overcome obstacles in the framework of the Dayton Agreement.

Thirdly, this afternoon we will have the opportunity to hear a statement by the Secretary General of NATO. The Atlantic alliance has played a critical role, under the eye of the Security Council, in stabilizing Bosnia and Herzegovina and in implementing the military component of the Dayton Agreement. We should pay a tribute to that outstanding success, to which France has contributed.

As members are aware, the Stabilization Force will soon be replaced by an operation of the European Union (EU), Operation Althea. The mission will include 7,000 troops, and it will be the largest external operation ever carried out by the European Union. We shall soon be asking the Council to authorize the deployment of Operation Althea. The operation forms an integral part of the European Union strategy for the Balkans. The increased involvement of the European Union is a major factor for stabilization and progress in that region, whose European destiny is beyond question.

To those comments, I would like to add two questions for the High Representative. First, we have duly noted that the constitutional debate is an internal question, which falls solely within the competence of Bosnia and Herzegovina itself. We know that that approach is also shared by Lord Ashdown. It might be useful, however, to know his feelings about whether the international community should or should not encourage such a debate, which would of course have consequences for our actions. If it should, how should it?

Secondly, in the economic sphere, I would ask the High Representative how he is planning for the implementation of programmes that address, on the one hand, the strengthening of the rule of law and, on the other, the creation of jobs. Should those two programmes be implemented simultaneously or consecutively? How can the international community assist him in these activities?

I may be slightly indiscreet in asking such questions, but I am emboldened to do so by the High Representative's own stress on those topics in his introductory statement as two major issues that we must continue to ponder.

Mr. García de Vicdma (Spain) (*spoke in Spanish*): As other delegations have done, may I first convey the sadness and condolences of the Spanish delegation at the death of the President of the Palestinian Authority, Yasser Arafat, a symbol of the identity and aspirations of the Palestinian people. He showed the way towards the attainment of those national aspirations, which we hope can be achieved peacefully in the near future thanks to the efforts of all.

Spain also fully supports the statement to be made shortly by the representative of the Netherlands on behalf of the European Union.

I thank High Representative Lord Ashdown for the excellent report that he has just introduced to the Council and that summarizes the situation in Bosnia and Herzegovina and the implementation of the Peace Agreement. We also appreciate the statement made by the Foreign Minister of Bosnia and Herzegovina, Mr. Ivanić.

Lord Ashdown's statement paints a reasonably optimistic picture. Nine years after the Dayton Agreement, we have advanced considerably towards the implementation of its provisions. The enormous task entrusted to the High Representative — involving no less than helping to launch an entire country on a new start and to adopt effective domestic measures and reliable foreign policies — is yielding fruit.

In its two-fold capacity as a member of the North Atlantic Treaty Organization (NATO) and the European Union, Spain emphasizes the importance of the publication of two documents to which the High Representative refers in his report. First is the European Commission Feasibility Study of Bosnia and Herzegovina's readiness to begin negotiations on a stabilization and association agreement with the European Union, which identifies 16 general conditions for opening those negotiations; second is NATO's publication of reform benchmarks to be implemented by Bosnia and Herzegovina for entry in the Partnership for Peace. The issuance of those documents is in itself a sign that Bosnia and Herzegovina is moving towards integration into European and Euro-Atlantic structures. They have also had a direct impact on the country's situation, because they act as a strong stimulus to the reform process.

We note the enactment of highly important legislation for the establishment of the rule of law, such as the creation of the High Judicial and Prosecutorial Council and the State Investigation and Protection Agency. We should also stress the strengthening of economic rules, such as through the adoption of the Law on Public Enterprises, the Law on Investment of Public Funds and the Law on Public Procurement. Progress made in institution-building through the restructuring of the police and public administration, as well as the creation and organization of the Ministry of Defence and of intelligence services, is also encouraging.

The explicit recognition by the Republika Srpska authorities of the atrocities perpetrated in Srebrenica in 1995 is also significant, although further cooperation is required with the International Criminal Tribunal for the Former Yugoslavia.

Spain is following ongoing events in Bosnia and Herzegovina with great interest, especially at this important time on the eve of the transfer of the tasks of NATO's Stabilization Force to a European Union mission with a military component. We are convinced that the transfer, once endorsed by the Security Council, will be carried out with the utmost order and efficiency and that it will confirm the hopes and aspirations of all, starting with Bosnian citizens of all communities, who are the ones most directly interested in a European future for their country.

One symbolic achievement of recent months was the opening on 23 July of the reconstructed Old Bridge in Mostar. Although grave problems persist in that city, the opening was itself a milestone in the normalization of a city that was particularly hard hit by the conflict. As a member of the European Union and NATO, Spain is firmly committed to building bridges in order fully to implement the Peace Agreement and to achieve the steady integration of Bosnia and Herzegovina into Euro-Atlantic structures.

Mr. Motoc (Romania): Before I begin my statement proper, I, too, would like to express our sadness at the passing away of President Yasser Arafat, a symbol of the fight for independence of the Palestinian people. It is our hope that the memory of President Arafat will constitute an encouragement for the Palestinian people to maintain its national unity and an inspiration to Palestinian leaders to advance towards a peaceful and lasting settlement of the conflict in the Middle East. In these very difficult moments, we would like to offer our sincere condolences and

wholehearted support to the family of President Yasser Arafat and the Palestinian people.

Romania associates itself with the statement that will be made shortly on behalf of the European Union by Ambassador Van den Berg of the Netherlands.

I would like to welcome with delight to the Council the Foreign Minister of Bosnia and Herzegovina, Mr. Mladen Ivanić, and, later in the day, the Secretary General of the North Atlantic Treaty Organization (NATO), Mr. Jaap de Hoop Scheffer. I would also like to thank Lord Paddy Ashdown for his report to the Council as well as for today's update.

The significant progress achieved in Bosnia and Herzegovina is highly commendable. We should give credit for that achievement to the High Representative, his Office, all international organizations supporting the country — notably NATO, the Organization for Security and Cooperation in Europe and the European Union — and, last but not least, the authorities of Bosnia and Herzegovina.

The full implementation of the Peace Agreement in its letter and spirit and fostering genuine inter-entity cooperation in Bosnia and Herzegovina still require sustained efforts, but Bosnia and Herzegovina is laying the proper foundation, every day more consolidated, closer to European and Euro-Atlantic institutions and further away from the tragic era of war.

The High Representative was right to base his strategy on reforms on core issues such as the rule of law, the economy, capacity-building and defence. They are anchors of stability in a modern State and, not by coincidence, important requirements on the road towards the European Union (EU) and the North Atlantic Treaty Organization (NATO).

We support the efforts of the authorities in Sarajevo to implement the European Commission's Feasibility Study as a necessary step in launching negotiations for signing an association and stabilization agreement with the EU. We in South-East Europe are heartened by every sign of success on this path, which Romania hopes can be replicated and multiplied throughout the area. Lasting stability is a long-held goal in the western Balkans, and we have confidence that it can be achieved with patience and willingness, step by step, against the background of the European and Euro-Atlantic integration processes.

We commend, in this context, the active role played by Bosnia and Herzegovina in regional cooperation. We would like, in particular, to congratulate Bosnia and Herzegovina on its very successful chairmanship of the South-East European Cooperation Process, which Romania took over in 2004. We also welcome the recent informal meeting in Ohrid of the Ministers for Foreign Affairs of Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, and France as a supporting country. That meeting reiterated those countries' commitment to further intensify their cooperation and reinforce joint efforts to transform the region into an area of new possibilities and economic prosperity.

Romania joins the High Representative in encouraging the authorities of Bosnia and Herzegovina to maintain the pace of reforms and assure their adequate implementation. The work of the Srebrenica Commission and the recent formal apology constitute initial steps towards achieving satisfactory cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY). We are still concerned about the fact that the country is held back by the persistent failure of the relevant authorities to cooperate fully with the ICTY. When that task is fulfilled, it will certainly be a cornerstone of Bosnia and Herzegovina's secure future and of the implementation of the Peace Agreement.

We will later congratulate the Secretary General of the North Atlantic Treaty Organization on a successful mission by the Stabilization Force in Bosnia and Herzegovina.

Romania continues to support a strong international commitment towards the consolidation of Bosnia and Herzegovina. The European Union is already a driving force in this process, and Romania is ready to support the authorization by this Council of the future EU mission, which we are confident will be as successful as its predecessor. Romania will continue to contribute substantially to the EU-led missions in Bosnia and Herzegovina by increasing its present troops and police contribution.

Mr. Benmehidi (Algeria) (*spoke in French*): First of all, I would like to say that it was with great sadness and emotion that we learned of the death of President Yasser Arafat in Paris early this morning. Algeria's condolences have been addressed to the Palestinian

people and their leadership by our President, and I wish to reiterate them here. The passing of President Arafat, who for 40 years embodied the aspirations of the Palestinian people to an independent State, is an enormous loss for that valiant people. We are convinced, however, that they will come out of this trial further strengthened. Algeria mourns along with the Palestinian people and assures it of its fraternal solidarity.

I would like to welcome the Minister for Foreign Affairs of Bosnia and Herzegovina, Mr. Mladen Ivanić. I also want to thank Lord Paddy Ashdown, the High Representative, for his report (S/2004/807, enclosure) and for his commendable efforts in Bosnia and Herzegovina to build a future of peace and prosperity in that country, which has, in the recent past, experienced the tragedy and suffering of war.

The twenty-sixth report of the High Representative enables us to assess the progress achieved in the implementation of the Peace Agreement and in the strengthening of administrative and institutional capacities, the promotion of the rule of law and economic reform. It is undeniable that Bosnia and Herzegovina, resolutely turned towards the future, has succeeded in binding its wounds and in patiently and painstakingly undertaking task of stabilization and reconstruction.

Recent measures in the field of reform of the defence forces and the information and security services, and the establishment of the State Investigation and Protection Agency, represent significant progress in the strengthening of State institutions. This important achievement can bring Bosnia and Herzegovina closer to its objective of building a sovereign, strong and stable State. It also opens the prospect of integration into Euro-Atlantic structures. The initiative of creating a single police structure for Bosnia and Herzegovina is an additional effort towards the attainment of that objective.

We also appreciate the progress made in the field of consolidating the rule of law. In that context, the establishment of a legal framework, the creation of new competent bodies and the improvement of the functioning and effectiveness of the judicial system are positive results that help consolidate the rule of law and the struggle against the threats of organized crime and terrorism. Nonetheless, the Bosnia and Herzegovina authorities need adequate means to strengthen their capacity to effectively combat those scourges.

Considerable work has also been accomplished in the area of economic reform. Major efforts have been made to develop an adequate legal, budgetary and structural framework and to promote the relaunching of the Bosnian economy.

However, I would like, at this point, to refer to the three areas of shortcomings to which Lord Paddy Ashdown referred. In spite of the encouraging results achieved, a great deal of progress remains to be made. Bosnia and Herzegovina must overcome difficulties related to the implementation of reforms, the problem of the entities' internal indebtedness and the lack of investment and of jobs. These difficulties are major obstacles to the launching of negotiations with the European Union on the conclusion of a stabilization and association agreement. They must therefore be eliminated if progress is to be made towards reform. The efforts of Bosnia and Herzegovina alone will not suffice to achieve this goal.

The lack of cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) with respect to the arrest of persons charged with war crimes is another obstacle to Bosnia and Herzegovina's participation in the NATO Partnership for Peace programme. Cooperation with the ICTY needs to be intensified. Bringing the perpetrators of war crimes before the Tribunal, reunifying the city of Mostar and strengthening its statute and recognizing the sources, the nature and the extent of the atrocities committed in Srebrenica are, in our view, all part of reconciliation and understanding among all the people of Bosnia and Herzegovina and the establishment of a tolerant and multiethnic society, an objective that my country fully supports.

In that spirit, my delegation welcomes the progress made in the process of the return of refugees and of displaced persons. We are pleased to see the authorities of Bosnia and Herzegovina successfully assuming their responsibilities under the Peace Agreement. We hope that the few remaining difficulties in this field will soon be overcome.

I do not want to conclude my statement without paying tribute to the NATO Stabilization Force (SFOR), whose mission comes to an end by the end of this year, for the important and constructive role that it has played in Bosnia and Herzegovina. We are pleased

with the European Council's decision to establish in that country a European Union peacekeeping force, including a military component, as of next year.

Mr. Lucas (Angola): Like previous speakers, the Angolan delegation regrets with great sadness the death of President Yasser Arafat, historic leader of the Palestinian people. We express our condolences and solidarity to the Palestinian people in this hour of pain and grief, in the expectation that they will overcome this difficult moment and that, with renewed strength and resolve, they will continue to strive for the attainment of the ultimate goal for which President Arafat fought so relentlessly: the establishment of a democratic, viable and peaceful Palestinian State, living side by side with Israel.

I would like to express gratitude and appreciation to the High Representative, Lord Ashdown, for his comprehensive report (S/2004/807, enclosure) on developments in Bosnia and Herzegovina. We are particularly honoured by the presence of His Excellency Mr. Mladen Ivanić, Deputy Chairman of the Council of Ministers and Minister for Foreign Affairs of Bosnia and Herzegovina, and we are grateful for his enlightening briefing. We also take this opportunity to say a word in recognition of the efforts undertaken by the High Representative and his Office aimed at the implementation of the Peace Agreement and of the efforts by the European Union and NATO to ensure the emergence of a peaceful, viable and modern State in Bosnia and Herzegovina. Above all, we express our full appreciation to the people of Bosnia and Herzegovina, who are, in the last analysis, the protagonists in the great transformations taking place in the country.

After many years in which the situation in Bosnia and Herzegovina has been on the agenda of the Security Council and at the centre of the international community's concerns, we are very pleased to take stock of the main trends described in the report we are considering today. The notable progress made by the Bosnia and Herzegovina authorities in fulfilling the legislative requirements set out in the European Commission's Feasibility Study, the significant steps towards firmly establishing the rule of law in Bosnia and Herzegovina, the significant progress made on the agenda of economic reform, the ongoing reform of the public administration, the commencement of the restructuring of Bosnia and Herzegovina's police forces under a single structure, the forging ahead with the adoption of the first defence reform, the establishment of the Intelligence and Security Agency — all of that constitutes an impressive record.

We understand the impatience expressed by the High Representative at the fact that the reform process is taking longer than anticipated. However, in our view, what is most important is that the reforms and the transformation of society in Bosnia and Herzegovina proceed with determination, but also cautiously and in a sustained fashion. And, as always, much remains to be done.

We have also taken note of the progress achieved in creating domestic capacities for indicting, investigating and prosecuting those accused of war crimes. The War Crimes Chamber of the State Court of Bosnia and Herzegovina is an important instrument for achieving the objectives set by the International Criminal Tribunal for the Former Yugoslavia (ICTY). In that regard, my delegation recalls the clear message set out in Security Council resolution 1503 (2003) expressing the need for the countries of the region to improve and intensify their cooperation with the ICTY.

We share the concern expressed by Lord Ashdown at the failure of Republika Srpska to cooperate with the Tribunal. From that perspective, we believe that the Council should send a firm and unambiguous message to the leaders of Republika Srpska regarding their obligation to extend full cooperation to the Tribunal and to hand over all those indicted for war crimes.

A new dynamic has emerged within Bosnia and Herzegovina's political bodies to embrace ownership of the reform process. We welcome the signing by all political parties represented in Parliament of a common platform pledging to take the measures necessary for further Euro-Atlantic integration — a positive development towards the complete integration of Bosnia and Herzegovina into the international community and towards the consolidation of a democratic State. We fully support that development, taking into account that the sustainability of democracy in Bosnia and Herzegovina is inextricably linked to reconciliation and cooperation with its neighbouring countries.

A key challenge with enormous symbolic significance is the establishment of a unique statute for the city of Mostar, as that city demonstrates that it is

possible for the various peoples of Bosnia and Herzegovina to live together in harmony and peace.

Finally, we commend the international community for its commitment, which has been a decisive factor in the remarkable progress described in the report before us. We strongly encourage the High Representative to maintain the consistent policies outlined in the report and to continue to work to achieve the goals set out in the Peace Agreement on Bosnia and Herzegovina and in the Dayton Agreement with regard to implementing the Federation of Bosnia and Herzegovina.

The President: I shall now make a statement in my capacity as Permanent Representative of the United States.

I thank High Representative Ashdown and Foreign Minister Ivanić for their briefings to the Council. The situation that the High Representative described is remarkable in many ways. Nine years after a war that killed and wounded hundreds of thousands and displaced nearly 2 million, almost all properties have been returned to those who were displaced. More than 1 million refugees and displaced persons have returned to all parts of the country, even to the sites of the worst war crimes. Armies that fought each other now serve under unified command and control. Intelligence services that plotted against each other are being unified. That progress is a tribute to the work of the High Representative and to the people of Bosnia and Herzegovina, who have shown determination to overcome their past.

All of those achievements, however, are in jeopardy. They are placed at risk by the failure to bring to justice those accused of genocide, of operating rape camps and of holding United Nations officials hostage. The transformation of Bosnia and Herzegovina into a stable and prosperous country cannot be complete until indicted war criminals — especially Radovan Karadzic and Ratko Mladic — face justice.

Recent reforms have brought Bosnia and Herzegovina to the cusp of membership in NATO's Partnership for Peace, yet NATO has rightly said it will not accept a State in which one part aids and abets international fugitives from being brought to justice. The failure to arrest war criminals rests squarely on the shoulders of Republika Srpska, which has not made a single war-crimes arrest in the nine years since the end of the war. Republika Srpska remains in violation of the Dayton/Paris Peace Accords and of various resolutions adopted by this body.

In the Dayton/Paris Peace Accords, the parties made a solemn commitment to turn over indictees to the International Criminal Tribunal for the former Yugoslavia (ICTY). That commitment must be fulfilled if the achievements of Dayton — which included the creation of the Republika Srpska itself — are to be secured.

The people have borne the heaviest consequences of the failure to apprehend indicted war criminals: greater poverty, insecurity and international isolation. But the ones who should bear the consequences are the political leaders who have failed to fulfil their promises and the individuals who have helped the fugitives to evade justice. We therefore commend the High Representative for his ongoing actions to identify and penalize individuals and organizations supporting indicted war criminals. The consequences of the failure to arrest indicted war criminals can only grow. It is long past time to bring them to justice.

On a final note, I would like to congratulate NATO on the successful conclusion of its current mission in Bosnia and Herzegovina and to welcome the incoming European Union-led force. While the European Union assumes the lead peacekeeping role, the continuing presence of a NATO headquarters underscores NATO's continuing political commitment. The United States remains committed to helping the people of Bosnia and Herzegovina move forward, and we will remain deeply engaged.

I now resume my functions as President of the Security Council.

The next speaker on my list is the representative of the Netherlands. I invite him to take a seat at the Council table and to make his statement.

Mr. Van den Berg (Netherlands): I have the honour to speak on behalf of the European Union. The candidate countries Bulgaria, Romania, Turkey and Croatia and the European Free Trade Association country Iceland, member of the European Economic Area, align themselves with this statement.

At the outset of this statement, we want to express our sincere condolences to the Palestinian people on the loss of President Arafat. He played a pivotal role in striving for an independent Palestinian State at peace with Israel.

We thank Lord Ashdown and Foreign Minister Ivanić for their briefings to the Council on developments in Bosnia and Herzegovina. We commend the contribution of the High Representative to peace and stability in the country. The European Union continues to support his policy of strengthening State institutions, reviving the economy and promoting the rule of law. Lord Ashdown's report (S/2004/807,n enclosure) shows that Bosnia and Herzegovina is on the right track, even though the European Union remains concerned about the continuing failure of Republika Srpska to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia.

The Security Council will later be briefed by the Secretary General of the North Atlantic Treaty Organization (NATO), Mr. Jaap de Hoop Scheffer. He will look back at the role of NATO in Bosnia and Herzegovina since the Dayton Peace Agreements of 1995. As the Council is aware, NATO decided in June in Istanbul to terminate the Stabilization Force (SFOR) on 2 December 2004. On that date, the European Union will assume the main role in peace stabilization under the Dayton Agreements. NATO will remain in Bosnia and Herzegovina, through its headquarters in Sarajevo, providing advice on defence reform and undertaking certain operational supporting tasks.

The European Union commends NATO for its constructive role during the past years. The NATO-led operations, the Implementation Force (IFOR) and SFOR, have been key factors in establishing stability in Bosnia and Herzegovina and in implementing the Dayton Agreements.

In resolution 1551 (2004), the Security Council welcomed the transition from NATO to the European Union. In anticipation of final authorization by the Council, let me take this opportunity to underline the significance of the upcoming transition. It is significant, first and foremost, for Bosnia and Herzegovina but also for the European Union itself and for the United Nations.

Operation Althea, as the European Union military mission will be called, is the final element in the European Union's comprehensive policy towards Bosnia and Herzegovina. It is also part of a broader European Union strategy for the Balkans. The combined European Union activities in the political, economic and development fields, and now the security field, should mutually reinforce one another. The ultimate objective is to put Bosnia and Herzegovina on a track towards the European Union. That will be achieved through the strengthened stabilization and association process. The European Union military mission will complement that process, as will other European Union activities such as the European Union Police Mission, the European Union Monitoring Mission, and the Community Assistance to Reconstruction, Development and Stabilization (CARDS) development programme.

That comprehensive approach reflects the European belief that the future of Bosnia and Herzegovina lies firmly in Europe. It exemplifies the long-term commitment of the European Union. Given that commitment, it is now up to the Bosnian population to make the vision come true. They will have to make the eventual choice of joining the European political and economic union. Such a choice requires fundamental reforms of State, economic and judicial structures. Equally, they will have to confirm the decision to join the European community of values. Such a decision requires an environment of tolerance, dialogue and respect for religious freedoms. And it requires a tough stand, in words and in deeds, against impunity for war criminals.

The right political will and the popular support of the Bosnians, combined with the comprehensive role of the European Union, could, and should, lead Bosnia and Herzegovina away from conflict into a stable and peaceful future. We wish the Special Representative of the European Union, Lord Ashdown, all the best of luck as he increasingly replaces his High Representative hat with his European hat.

Let me say a word about the significance for the European Union and United Nations. Operation Althea will be the first major military mission of the European Security and Defence Policy. It is our belief that, as such, the operation is of significance not only for the European Union but also for the United Nations. Regional organizations have an increasingly important role to play in peacekeeping and peace-building.

That is not just a matter of resources, given the recent surge in peacekeeping operations. It is an acknowledgement of the principle of subsidiarity. Which organization has the most added value in a given situation? Regional organizations embody regional values. As such, they have a deep

understanding of the local situation. At the same time, they are often better recognized by the affected population. In addition, regional organizations can frequently offer a comprehensive approach entailing not only security and political arrangements but trade and aid aspects as well. That combination of policy instruments increases the chance of alleviating immediate plights in a post-conflict situation, while at the same time working on the root problems of a conflict.

It is our belief that we are in just the initial phase of increased cooperation between the United Nations and regional organizations. Under the leadership of the United Nations, as the body holding primary responsibility for peace and security, we look forward to the development of creative and constructive partnerships between the United Nations and regional organizations. The European Union sincerely hopes that Operation Althea will prove to be an outstanding precedent for such cooperation. Likewise, we of course hope that Operation Althea will prove to be to the benefit of the people of Bosnia and Herzegovina in their quest for durable peace.

The President: The next speaker is the representative of Japan, whom I invite to take a seat at the Council table and to make his statement.

Mr. Kitaoka (Japan): First, with respect to the passing away of Mr. Yasser Arafat, the President of the Palestinian Authority and the Chairman of the Executive Committee of the Palestine Liberation Organization, I would like to express my sincerest condolences to the bereaved family, to the Palestinian Authority and to the Palestinians. Mr. Arafat was indeed a pioneer who laid the foundation for the establishment of a Palestinian State. I pray that his soul will rest in peace and sincerely hope that Palestinians will overcome their sorrow and will continue their struggle to achieve peace and prosperity in the region.

I would like to thank you, Mr. President, for having convened this public meeting concerning the situation in Bosnia and Herzegovina. I also wish to offer my thanks to the High Representative for Bosnia and Herzegovina, Lord Paddy Ashdown, for his comprehensive briefing.

Almost nine years have passed since the signing of the Dayton Accord, during which time the tasks set out in the context of the peace process have been steadily carried out in Bosnia and Herzegovina. Among the achievements, my Government particularly appreciates the unification of the city of Mostar under a single city government and the establishment of the Ministry of Defence and the Intelligence and Security Agency at the State level. We are particularly appreciative of the efforts made by the High Representative for Bosnia and Herzegovina and his staff.

Nevertheless, there is still much to be done in Bosnia and Herzegovina. It is necessary to resolve the remaining problems so that Bosnia and Herzegovina can stand on its own feet as a stable, multi-ethnic nation, integrated into Europe. To that end, we expect the political leaders of Bosnia and Herzegovina to take the initiative to make further progress on those urgent tasks, which include the consolidation of the rule of law, the further reform of the economy and the strengthening of State institutions, with the cooperation of the international community.

The Government of Japan is of the view that a resolution of the war crimes issue is essential for the true achievement of peace in the former Yugoslavia. We therefore call upon the relevant authorities in Bosnia and Herzegovina to fully support the activities of the International Criminal Tribunal for the Former Yugoslavia and to extradite every indicted individual to the Tribunal. At the same time, we wish to underscore the importance of enhancing the capacity of the War Crimes Chamber so as to enable it to prosecute less serious war crimes. In this connection, Japan is now considering a proposal to provide support for a United Nations Development Programme project to train staff for the Chamber.

Japan values highly the role of the Stabilization Force in the implementation of the peace process through the maintenance of security in Bosnia and Herzegovina. In December this year, it is planned that the European Union-led peacekeeping force, EUFOR, will replace the NATO mission. The Government of Japan welcomes this handover and expects it to be implemented smoothly.

Japan has been an active member of the Steering Board of the Peace Implementation Council. We have pledged $500 million in support of rehabilitation and reconstruction in Bosnia and Herzegovina, and have been steadily implementing that assistance. This April in Tokyo, Japan co-chaired, with the European Union presidency, the Ministerial Conference on Peace

Consolidation and the Economic Development of the Western Balkans. At the Conference we expressed our view that, in order to ensure that the stabilization and development of the region is irreversible, regional efforts should be made focusing on the following three key elements: the consolidation of peace; economic development; and regional cooperation. We are providing support in each of those areas. Assistance for the War Crimes Chamber, fostering a better investment climate through the dispatching of advisers and the holding of a workshop on the promotion of tourism are examples of that.

Japan, in cooperation with the international community, intends to adhere to its commitment to help the region to achieve stability and prosperity through various activities, including follow-up of the Tokyo Ministerial Conference. It is our firm belief that the stabilization of the situation in Bosnia and Herzegovina is essential for the stability of the whole of South-Eastern Europe.

The President: In view of the lateness of the hour, and with the concurrence of the members of the Council, I intend to suspend the meeting now. We will resume this afternoon at 3 p.m. to hear Mr. Jaap de Hoop Scheffer, Secretary General of the North Atlantic Treaty Organization.

The meeting was suspended at 1.40 p.m.

United Nations S/PV.5075 (Resumption 1)

Security Council

Fifty-ninth year

Provisional

5075th meeting

Thursday, 11 November 2004, 3.30 p.m.

New York

President:	Mr. Danforth	(United States of America)
Members:	Algeria	Mr. Benmehidi
	Angola	Mr. Gaspar Martins
	Benin	Mr. Zinsou
	Brazil	Mr. Moritán
	Chile	Mr. Donoso
	China	Mr. Zhang Yishan
	France	Mr. Duclos
	Germany	Mr. Trautwein
	Pakistan	Mr. Khalid
	Philippines	Mr. Cato
	Romania	Mr. Motoc
	Russian Federation	Mr. Konuzin
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson

Agenda

The situation in Bosnia and Herzegovina

Letter dated 8 October 2004 from the Secretary-General addressed to the President of the Security Council (S/2004/807)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-60364 (E)

The meeting resumed at 3.45 p.m.

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Jaap de Hoop Scheffer, Secretary General of the North Atlantic Treaty Organization (NATO).

There being no objection, it is so decided.

I invite the Secretary General of NATO to take a seat at the Council table.

At this resumed session, the Security Council will hear a briefing by the Secretary General of NATO, His Excellency Mr. Jaap de Hoop Scheffer. I shall now give the floor to the Secretary General of NATO.

Mr. De Hoop Scheffer: It is a real pleasure for me to be in New York and an honour to have been invited to address the Security Council this afternoon. My remarks will focus on the support of NATO to the United Nations in Bosnia and Herzegovina, but I should like to start with a couple of observations about our respective organizations.

As an alliance of 26 democracies, NATO allies are bound together by common values, as well as a commitment to common defence. In the past decade, NATO nations have expan ed the geographic scope of alliance operations and activities and have transformed their nature, all without forgetting our core task, of course, of collective defence.

Each operation requires a political decision by allied nations to commit their young men and women to a potentially hazardous mission. Such a grave step is never taken without extensive consultation among allies. In response to the series of new strategic challenges, the alliance has decided to go out of area to build stability in a number of regions that have an impact on the security of the Euro-Atlantic area.

The United Nations has also faced a multiplication of its activities and tasks in this fluid strategic environment. It is therefore not surprising that NATO and the United Nations, each within their specific roles, have found increasing scope for cooperation, especially in peace operations.

That brings me back to Bosnia and Herzegovina, because, in a real sense, the alliance's transformation began in the Balkans. The Bosnia mission was undertaken in close cooperation with, and under a mandate from, the United Nations. The decision to go out of area in the Balkans was a historic decision for the alliance. It was NATO's first peacekeeping operation. But just as important, it represented the birth of United Nations-NATO cooperation.

Since 1992, NATO has provided continuous support to the United Nations in the Balkans. In 1995, some 65,000 troops were deployed to Bosnia and Herzegovina, under a United Nations mandate, to implement the military aspects of the Dayton Peace Agreement. United Nations and NATO cooperation has resulted in a safe and secure environment. State institutions have been established, human rights are now respected, and the country has been set on the path to integration into Euro-Atlantic and European structures.

Today only 7,000 troops remain in the country — a clear indication of the considerable progress that has been made, progress which is also to a very large extent due to the relentless efforts and very hard work of the successive High Representatives for Bosnia and Herzegovina, from Carl Bildt to Lord Ashdown.

Given our joint successes in Bosnia and Herzegovina, it is not surprising that NATO support to the United Nations there has been viewed as a template to be applied to other demanding crises. That involves close cooperation with other major international players, including the European Union and the Organization for Security and Cooperation in Europe.

In a cooperative international effort, NATO contributed to successfully defusing the crisis in the former Yugoslav Republic of Macedonia, paving the way for a lasting political settlement, in the framework of the Ohrid Framework Agreement. And since 1999, under a United Nations mandate, NATO has been involved in stabilizing the situation in Kosovo. Last month, NATO-led troops provided security for the Parliamentary Assembly elections there. The good cooperation between the Kosovo Force (KFOR) and the United Nations Interim Administration Mission in Kosovo (UNMIK) on the ground continues to be crucial for the stability of the province. That was also underlined by the Special Representative of the United Nations Secretary-General for Kosovo, Søren Jessen-

Petersen, when he addressed the North Atlantic Council of NATO yesterday.

While there has been real progress, work remains to be done, and the closely coordinated international effort must continue across the wider region. But, given the improved state of security in Bosnia and Herzegovina, it is the right time to terminate the Stabilization Force mission. As the Council heard from Lord Ashdown this morning, NATO is now working to hand over peacekeeping responsibilities to the European Union next month. I therefore look forward to a Security Council resolution authorizing that handover of responsibility. But that does not mean that NATO's long-term commitment to the country has changed.

NATO will retain a military presence in the country and has already established a new headquarters in Sarajevo, which will provide advice on defence reform and will remain engaged in bringing indicted war criminals to justice. Cooperation with the ICTY is a key conditionality for further progress in relations between NATO and Bosnia and Herzegovina. I would like to underscore the words spoken this morning by Lord Ashdown on the position of Republika Srpska in that respect. Cooperation with the ICTY is crucial for any further development of the relations with NATO, starting with membership of the Partnership for Peace programme.

With the imminent termination of the Stabilization Force mission, it is timely to review all that has been achieved there. I would draw attention to some of the lessons that I believe to be key.

The first is to anticipate spillover. As we have seen in the Balkans, when States fail they tend to threaten security and stability not just in their own region, but well beyond. That does not mean that NATO must intervene in each and every instance. But we should always be aware that indifference might be more costly, over time, than timely engagement.

Secondly, success in Bosnia and Herzegovina is a clear demonstration of international institutions complementing each other and reinforcing each other's efforts. A holistic approach calling on the relative strengths of the different international organizations is vital. And it is also valuable to involve as many individual States as practicable. NATO benefited greatly from the operational participation of many non-NATO nations.

Finally, I would highlight the need for political dialogue to articulate a clear end-state, and the need for determination to see the mission through until that end-state is achieved. Those are essential elements for reasons of political legitimacy, for sustaining public support over the long term, and for political credibility.

Together with a robust military capability, those were the main ingredients of NATO's success in Bosnia and Herzegovina. But I believe they will also be the key for NATO to deliver success in other operations.

NATO is now playing a major role, under a Security Council mandate, in Afghanistan. It leads the almost 10,000 strong International Security Assistance Force and is progressively expanding its presence throughout the country. Last month, it assisted the United Nations by supporting Afghan Government efforts to provide a secure environment for the presidential elections, as well as by directly supporting the electoral process. Also in Afghanistan, NATO will continue to deliver on its commitments.

In Iraq, under the terms of Security Council resolution 1546 (2004), and at the specific request of the Interim Government of Iraq, NATO is providing assistance in training and equipping the Iraqi security forces. We are in the process of substantially enhancing that assistance.

I am aware that the alliance's involvement in those two countries has prompted some people to suggest that NATO is taking on the role of global policeman. I can assure the Council that nothing could be further from the truth. But the alliance's security interests are affected by events in those countries, and it is therefore logical for NATO to assist the efforts of the United Nations and of the international community there.

As I mentioned earlier, every international institution has something to offer, and its particular skills must be used to best effect. As far as NATO support is concerned, there are a number of benefits that I would wish to highlight.

First and foremost, I would emphasize NATO's utility as a framework for political dialogue and action. It is an alliance of 26 sovereign and democratic nations, and it binds together Europe and North America in a multilateral approach to security. But

NATO is also a framework which facilitates participation by other nations.

During the NATO-led operations in Bosnia and Herzegovina, the contributions from NATO's partners were indispensable, as were the contributions from other nations. Overall, troops from all five continents, from more than 20 non-NATO nations, served effectively under NATO command and alongside NATO troops. That framework for action is tried and tested, and it has accumulated a wealth of experience.

NATO also has a unique capacity to back up its political decisions with serious peacekeeping and peacemaking power. That power is flexible and is easily tailored to the various demands placed upon it. It encompasses training and advice to troops likely to be called upon to carry out peacekeeping duties, through activities such as participation in NATO-led exercises; advice on interoperability issues; and the sharing of doctrine and documentation.

It also includes operational planning, with the associated force generation, strategic movement and logistics support. Of course, it also includes substantial military assets — land, air and maritime — that are in short supply elsewhere. These assets include the necessary mix of capabilities for both combat and post-conflict reconstruction, as well as the appropriate deployable command elements to ensure maximum operational effectiveness. They now also include high-readiness units such as the NATO Response Force.

Finally, I would stress NATO's proven determination to stay the course. Our 12-year commitment to support in Bosnia and Herzegovina is testimony to our resolve and ability to sustain our operations over lengthy periods if and when necessary. Bosnia and Herzegovina is the most successful proof of the effectiveness and potential of the United Nations and NATO working together for peace and stability. We have developed an effective operational relationship between our two organizations there, and we have adopted the model of our cooperation to other operations.

NATO nations are deeply committed to the United Nations. In the Treaty of Washington, which founded NATO, Allies reaffirm their faith in the purposes and principles of the Charter of the United Nations, and they acknowledge the primary responsibility of the Security Council for the maintenance of international peace and security.

In the field, NATO has broadened its scope for support to the United Nations since our original peacekeeping mission in Bosnia and Herzegovina. Our support now includes missions in other theatres and active cooperation on common challenges such as the fight against terrorism. The Alliance has already made a significant contribution to United Nations operations. NATO nations are always prepared to consider further requests for support, and I fully expect and trust that this cooperation will continue.

The President: I thank the Secretary General of NATO for his statement.

Lord Ashdown is expected momentarily; he has been meeting with Secretary-General Annan. I had planned at this point to call on him for additional comments or responses. In his absence, I might ask the Secretary General, while we have the time, to comment on the status of Bosnian defence reform. My understanding is that this will be an ongoing responsibility of NATO. I was wondering how he saw things as going at this point, and, if he could look into his crystal ball, how he sees the future.

Mr. De Hoop Scheffer: NATO will keep what we call a residual presence in Bosnia and Herzegovina. NATO will have a headquarters in Sarajevo to do what you just indicated, Mr. President — that is, working together on a continuous basis with the authorities of Bosnia and Herzegovina on defence reform. I think I can say that a lot of progress has been made on defence reform. On the other hand, much remains to be done, and NATO, I think — and that is also very much the view of Bosnia and Herzegovina — is in a unique position, given its experience, to continue to consult with the Government of Bosnia and Herzegovina and to give good advice on the process of defence restructuring and defence reform.

Apart from that responsibility, NATO will, of course, given the importance of this subject, be involved in seeing to it that the indicted war criminals go to The Hague as soon as possible. We will do this, of course, in close consultation with the European Union, which is taking over the responsibility for the operation in Bosnia and Herzegovina.

The President: I wish to thank Lord Ashdown for having returned to the Council. I know he has had a very important meeting just now, and I was wondering if he had any further comments or responses to any questions that have been raised.

Lord Ashdown: My apologies to the Council for not having been here earlier. I had an appointment with the Secretary-General. I apologize to my colleague Jaap de Hoop Scheffer for not having been here when he spoke. I think I owe the Council some comments and responses to questions from earlier on this morning.

May I first of all express my warm thanks and those of my staff for the very kind comments made by representatives this morning. They are really are very, very welcome indeed, and I am very grateful for those kind words. However, I think that the representative of Angola, if I may say so, was entirely correct: the real heroes of this remarkable transformation are not the international community, although I think we have done much of which we can be proud; we have made our mistakes, too, but overall I think that we are entitled to feel proud of the peacekeeping operation. The real heroes are the extraordinary, remarkable and courageous people of Bosnia and Herzegovina, and, if anyone should be receiving these accolades, it seems to me that it is they.

Before answering the questions that were put to me, could I just warmly welcome a number of particular interventions. The representative of Romania gave the kind of promise that everyone likes to hear — that they were considering increasing the number of troops they may be able to provide in the European Union-led force (EUFOR). That is a generous offer for which I know my EUFOR colleagues will be extremely grateful.

If I may say so, I greatly welcomed also the comments of the representative of Spain, who noted the special importance of the feasibility study and the NATO Partnership for Peace agreements. Those are, indeed, the magnets which draw the compass by which we steer. I believe that, in due course, the scaffolding of Europe and NATO will provide the structures within which Bosnia and Herzegovina will make the second stage of its journey — a journey which is not about peace implementation but about transition.

I also strongly welcome, if I may, the comments that were made by almost all representatives on the importance of the International Criminal Tribunal for the Former Yugoslavia and Republika Srpska cooperating and crossing that watershed. For what it is worth, I think that there are forces in Republika Srpska that wish to see that done, and I welcome that. The United States was, if I may say so, correct — you, Sir, were correct — in reminding us that this was about a fundamental principle of Dayton, and the infringement of Dayton is arguably the greatest failure as a result of this.

My colleague the representative of France, who is sitting next to me, was correct in saying that, after so many words, only concrete results would do. The representative of Germany made a very strong point on this matter. I think that what he hinted at is correct — that when you look at deficiencies in terms of cooperation with The Hague, these are about personalities who have failed to fulfil their individual duties. They are also about systemic failures, and that is one of the reasons why the reform of the police and defence structures which is taking place is so important.

The representative of the Netherlands wished me luck as European Union Special Representative. My job is to try to coordinate the European Union's assets. I am not their boss, but I am primus inter pares, and I have to try to coordinate those assets. I am grateful to him for kindly wishing me luck; I shall need it. It adds a different dimension to my job, but one which I welcome and which I think is important as Europe takes the lead in this process, although it is not the monopoly deliverer of the international community's assistance in peace implementation matters.

May I especially thank the representative of Japan. Japan's support for the peace implementation process, even though it is probably the country, along with Canada, that directly benefits least from this, being on the other side of the world, has been remarkable. In particular, the support that was offered to the war crimes chamber by the representative of Japan is extremely welcome.

The formation of the war crimes chamber, a very important moment, is on track and on time. But there is not enough money to be able to ensure that the chamber can be sustained beyond the middle or the third quarter of next year. We do need that kind of practical assistance to make the war crimes chamber actually work. It would be a disaster, I am sure you would all agree, if we set up the war crimes chamber and it starts to try war crimes domestically, relieving the pressure on The Hague, and then it falls flat on its face because there are not sufficient funds keep it

going. Lastly, that is not an imminent prospect; it is one for the longer-term future.

Japan's assistance in tourism, which we have begun to build in Bosnia and Herzegovina, is also extremely important.

It seemed to me that I was asked to respond to three key questions. The representative of the Russian Federation asked me, I think, for assurance that we were not in the business of attributing all the problems of Bosnia and Herzegovina to the Serbs. I can enthusiastically give that assurance. I actually believe that, arguably, the Serb people and the Republika Srpska have made a greater and more difficult contribution to the whole reform process than any of the other peoples in Bosnia and Herzegovina and I have always sought to go out of my way to recognize that. It was more difficult for the Republika Srpska to agree to the reforms on defence and to the reforms for the Indirect Taxation Authority than for any of the other peoples. If we now stand at the gates of success, it is in very large measure because of the statesmanship and courage shown on a wide level in the Republika Srpska.

But, as I am sure the Russian representative will understand, the fact nevertheless remains that the one barrier that now stands between us and opening those gates to success is the barrier of the International Tribunal for the Former Yugoslavia. In that regard, it is a tragedy to me that the Serbs, having contributed so much to delivering the country to the point it is at now, are the people responsible for the barrier that now remains between us and success. I can give my absolute assurance that we will follow, as we were rightly requested to do, a balanced approach to the matter.

It is simply not true to say that the Serbs or Republika Srpska are the only barriers to reform. We have had cause to overcome barriers to reform put up by the other people in Bosnia and Herzegovina, which were equally large. But, the one immediately in front of us, The Hague, is obviously an issue for the Republika Srpska more than for any of the others.

The Russian representative also asked me to ensure that the Constitutional Court amendments to which he referred were enacted. I agree with him that that is a piece of unfinished work that has to be addressed. Could I make the point to him, however, that, when it comes to enacting those amendments, the roles of the institutions of Bosnia and Herzegovina, above all the Human Rights Chamber, ought not to be overlooked. If the High Representative does everything, rather than the institutions of Bosnia and Herzegovina that are there to resolve those issues, then we will be in effect undermining Bosnia and Herzegovina's institutions. If people — and in this case it is the Serbs again — should argue that their rights under the Constitutional Court amendments have not been adequately delivered, I would encourage them to go, at least initially, to the Human Rights Chamber, to the Constitutional Court in particular, to ensure that those rights are delivered. I will certainly back up and support that process. But if I were to act in place of the courts, I would be undermining the courts.

France asked me whether or not I believed that the rule of law and the economy ought to go hand in hand or operate sequentially. The answer is they must go hand in hand. The rule of law is essential for economic growth. Once the rules have been established, not least the business rules and business courts, only then will the economy begin to grow. It seems to me that economic reform and justice reform are essentially part of the same reform package: each feeds off the other and each is necessary. Therefore, those two threads, which have been almost the central threads that we have followed, need to be followed not sequentially, but in parallel.

Finally, the representative of the United Kingdom made a point, which I think is important, about the Bonn powers and the existence of the High Representative. Mladen Ivanić, whom you heard from earlier on, has his views. They are his personal views and he put them forward in a very straightforward manner, as usual; they are not, I think it would be fair to say, necessarily the views of his Government. They are his views, and I have my views, and perhaps they are not as far apart as you might imagine in terms of the existence of the High Representative and the Bonn powers. But those are not matters for me, they are matters for the Peace Implementation Council, as the representative of the United Kingdom rightly said. Whatever steps we take in the future to ensure that we alter the nature of the international engagement, either in respect of the future of the High Representative and my Office or the future of the Bonn powers, has to be decided by the international community in the first place, although of course the views of our colleague from Bosnia and Herzegovina are very important.

Secondly, as the representative of the United Kingdom very correctly said, they have to be measured against progress on the ground. The representative of the United Kingdom made the point that it is progress on the ground that enables us to move to the next stage — as we must in due course — of handing over full sovereignty to the Bosnian and Herzegovinian people.

Mr. Chairman, I am grateful for the chance to answer those questions.

The President: On behalf of the members of the Council, I would simply like to take this opportunity to thank Lord Ashdown and also Secretary General de Hoop Scheffer for taking the time to brief the Council today.

The meeting rose at 4.20 p.m.

United Nations S/PV.5076

Security Council

Fifty-ninth year

Provisional

5076th meeting

Monday, 15 November 2004, 10 a.m.
New York

President:	Mr. Danforth	(United States of America)
Members:	Algiera	Mr. Baali
	Angola	Mr. Lucas
	Benin	Mr. Adechi
	Brazil	Mr. Valle
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mr. Poirier
	Germany	Mr. Trautwein
	Pakistan	Mr. Khalid
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Dolgov
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson

Agenda

The situation in Timor-Leste

Progress report of the Secretary-General on the United Nations Mission of Support in East Timor (S/2004/888)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-60493 (E)

The meeting was called to order at 10.30 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Timor-Leste

Progress report of the Secretary-General on the United Nations Mission of Support in East Timor (S/2004/888)

The President: I should like to inform the Council that I have received letters from the representatives of Australia, Indonesia, Japan, Malaysia, the Netherlands, New Zealand, Portugal, Singapore, Thailand and Timor-Leste, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Guterres (Timor-Leste) took a seat at the Council table; the representatives of the other aforementioned countries took the seats reserved for them at side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Sukehiro Hasegawa, Special Representative of the Secretary-General for Timor-Leste and Head of the United Nations Mission of Support in East Timor.

There being no objection, it is so decided.

I invite Mr. Hasegawa to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2004/888, which contains the progress report of the Secretary-General on the United Nations Mission of Support in East Timor.

At this meeting, the Security Council will hear a briefing by Mr. Sukehiro Hasegawa, Special Representative of the Secretary-General for Timor-Leste and Head of the United Nations Mission of Support in East Timor.

I now give the floor to Mr. Hasegawa.

Mr. Hasegawa: It is indeed a great honour to address the Council for the first time in my capacity as Special Representative of the Secretary-General on the situation in Timor-Leste.

The successive United Nations peacekeeping operations in Timor-Leste are now widely recognized to be a major success story of the international community. In my view, it is largely due to the determination of the people and leaders of Timor-Leste to build peace and stability anchored in the principles of democratic governance.

In introducing the report of the Secretary-General today, I would highlight, first, recent political and security developments and, secondly, the status of the programme implementation of the mandate of the United Nations Mission of Support in East Timor (UNMISET). Lastly, I would outline specific preparations we are making to achieve an orderly completion of UNMISET in six months and a smooth transition to a sustainable arrangement.

Since the beginning of the consolidation period, Timor-Leste has remained peaceful and stable, except when officers of the national police (PNTL) made use of excessive force in arresting peaceful demonstrators, mostly consisting of former independent fighters, on 20 July and raised widespread concern in the public. It is significant to note at the same time that, realizing the urgency and seriousness of the veterans issue, the Timorese leadership immediately took initiatives to address the grievances of former resistance members. President Gusmão organized on 21 August a national dialogue to bring together veterans and Government leaders. As I attended the national dialogue, both the Timorese leaders and ex-combatants asked me at the end to convey to the members of the Security Council that they were indeed trying to resolve their differences of views and expectations in a peaceful manner. It is encouraging that Prime Minister Alkatiri subsequently appealed to the diplomatic corps in Dili on 26 October

for its support for a programme that would recognize and honour the contributions made by the veterans and ex-combatants. International assistance will constitute a critical element for the successful resolution of that issue and thereby reduce the risk of future internal instability.

Following a successful voter registration, which was reported in the previous report, preparations for the first Suco local elections progressed further during the reporting period. The National Electoral Commission is deliberating procedures to allow for the commencement of polling. Political parties have started organizing themselves to field candidates in the village elections, although many candidates are expected to run as independents. In promoting the elections, the President and the Prime Minister are carrying out civic education programmes energetically through their visits to districts. As I accompanied the President recently to one of his district meetings, I observed hundreds of villagers expressing their conviction that it is indeed their right to vote for candidates freely and devoid of any fear of intimidation.

During the past three months, however, there have been some setbacks, such as the National Parliament's failing to select the Provedor for Human Rights and Justice, despite two rounds of voting. The Parliament has also not completed its deliberations on the reports submitted by the Commissions for Former Combatants Affairs and for Veterans Affairs. UNMISET is hopeful that Parliament will also act efficiently when it receives a number of bills for adoption, including the bill on assembly and demonstrations.

It has also become increasingly critical for the Government to secure transparency and accountability in its own financial operations, particularly in relation to the emerging petroleum sector. In that respect, it is essential to establish by legislation the key institution of fiscal accountability — the high administrative, tax and audit court — as envisioned in article 129 of the Constitution.

On the diplomatic front, Timor-Leste continued to strengthen cordial relations with the countries of the region. Resident ambassadors, not only those of Malaysia and Thailand, but also those of Indonesia and the Philippines, have now presented their credentials. Timor-Leste has now also been admitted to the Regional Forum of the Association of South-East Asian Nations (ASEAN), and will be hosting a trilateral meeting with Australia and Indonesia in December of this year. The friendly relations with Indonesia have been enhanced by the visit of Prime Minister Alkatiri to Jakarta in October for the swearing-in ceremony of the new Indonesian President, Mr. Susilo Bambang Yudhoyono. The participation of Foreign Minister Ramos-Horta at the Indonesian Independence Day celebrations in West Timor earlier in August is another sign of growing relations between the two countries.

Despite the overall amicable relationship, however, border demarcation talks have not resulted in a final agreement, as was expected earlier. It is hoped that the spirit of good relations will find concrete expression in the resolution of important pending bilateral issues, including the operationalization of the transit facility linking Oecussi with the rest of Timor-Leste.

The 58 most critical civilian advisers are not only actively training and mentoring their East Timorese counterparts, they are also formulating exit strategies with their counterparts so as to ensure a smooth transition at the end of UNMISET's mandate. That will involve bilateral or multilateral partners, such as the United Nations Development Programme (UNDP) and the World Bank, which will take over functions beyond May of next year. While it will require several more weeks before the exact needs and specific modalities of meeting the requirements are known, it is clear that some form of continued international assistance will be indispensable in the finance and justice sectors.

The prosecutors, defence lawyers and trial judges of the serious crimes process are making strenuous efforts to complete investigations by November, as well as trials by May 2005, as stipulated in Security Council resolution 1543 (2004). The serious crimes process will not be able to respond fully to the desire for justice for all of the victims of the violence in 1999 with the limited time and resources available. There are several ideas and proposals in that regard to address the issue. The Secretary-General will examine those ideas and proposals, with a view to identifying the most appropriate arrangement to resolve the issue. Meanwhile, I propose to deploy additional data experts and specialists who can assist in the processing and archiving of all the evidentiary and testimonial materials obtained during investigations and trials.

Let me now identify some pertinent developments with regard to the second mandate, that is, strengthening law enforcement capacity in Timor-Leste. UNMISET civilian police advisers continue to provide training and mentoring to the national police of Timor-Leste (PNTL), in close coordination with other bilateral and multilateral development partners. The second phase of training for the Police Reserve Unit was successfully completed in late August. As I reported previously, UNMISET elaborated a skills development plan and began to implement it on 20 September. It is now providing training to the Rapid Intervention Unit, in response to a written request received from the Prime Minister following the incident of 20 July.

As a result of the concerted support of partners, PNTL officers are gradually improving their skills and gaining experience in many areas of policing. However, a number of key challenges remain, such as the lack of professional expertise. Some PNTL officers continue to show little respect for human rights. In view of the many shortcomings that the PNTL is still facing, I am convinced of the need for the retention of the current 157 civilian police advisers for six more months, as recommended by the Secretary-General in his report.

The Secretary-General has emphasized the importance of close cooperation between bilateral and multilateral partners in providing assistance for the development of the PNTL. In that regard, I am pleased to inform the Council that several joint initiatives are now under way, including a series of train-the-trainers courses, the training of senior and middle management members of the PNTL and the provision of assistance in specialized areas such as counter-insurgency and forensics.

The capacity of the East Timorese defence force (F-FDTL) continues to grow, with assistance provided by UNMISET and bilateral partners through the skills and knowledge transfer programme and other programmes. But it is evident that the F-FDTL remains hampered by a lack of experienced personnel, appropriate training regimes, equipment and limited logistics capacity.

It is also clear that the East Timorese border security agencies have not yet gained sufficient experience and capacity to manage border affairs by themselves. In view of the lack of a border agreement and the insufficient capacity of the national security agencies, I consider it necessary to retain the 477 military personnel for the next six months. That includes the 42 military liaison officers who continue to play a pivotal role in monitoring security-related developments along the border and in facilitating contacts between the East Timorese and Indonesian border security agencies.

In accordance with Security Council resolution 1543 (2004), an integrated assessment mission headed by Director Lisa Buttenheim of the Department of Peacekeeping Operations, visited Timor-Leste in early October to assess the situation on the ground. Eight members of the mission sought the views of all stakeholders. They also travelled to the border districts. I reiterate the recommendation of the Secretary-General, made on the basis of the observations of the assessment mission, that the situation on the ground at the moment does not justify any modification of UNMISET's tasks or any reduction in its size.

At the same time, I fully recognize that UNMISET needs to focus increasingly on implementing its transition strategy in the next six months. UNMISET is redoubling its efforts to encourage increased Timorese involvement and ownership of the three programme operations. Following the Council's last discussion, in August, I constituted eight working groups to address the concerns and challenges highlighted by Member States. Those working groups bring together all parties, including the Government of Timor-Leste, United Nations agencies, the Bretton Woods institutions, bilateral partners and civil society organizations. They have already started identifying specific measures required for a smooth transition from peacekeeping operations to more traditional nation-building and sustainable development assistance.

The eight working groups have more than 150 participants, including ambassadors and other diplomatic representatives based in Dili and Timor-Leste leaders, including President Gusmão, who has agreed to chair the working group on security issues. The final reports from each of the eight working groups will be ready by 15 January, and their recommendations will be reflected in the next report of the Secretary-General to the Security Council, to be submitted for consideration in February. The recommendations of the working group will also be presented to the donor conference that the Prime

Minister has agreed to advance to late March or early April, instead of June as originally planned. This will enable both the Government of Timor-Leste and the development partners to discuss how the responsibilities carried out by UNMISET can be taken over by the people of Timor-Leste and helpful development partners when UNMISET's mandate is completed in May.

Before I conclude my statement, I wish to take this opportunity to express my appreciation for the valuable work carried out by my deputy, Mr. Atul Khare, and all the staff in the civilian police military components of UNMISET, for their dedicated efforts in discharging the mandate of UNMISET in this consolidation phase.

I also wish to reiterate my view that national ownership and the determination to rebuild a caring society with full recognition of human rights and the dignity of all people are indeed the principal determining factor of success in peace- and nation-building in any post-conflict country. The tolerance of the people of Timor-Leste and the balanced leadership exercised by the President, the Prime Minister, the President of the National Parliament and the Minister for Foreign Affairs demonstrate that post-conflict countries can indeed learn to govern and develop themselves if they are anchored to democratic principles and if the international community can provide appropriate assistance in a timely manner, respecting the sovereign rights of the people to choose their own destiny. It is clear from my encounters with the leaders of Timor-Leste that they still appreciate and respect the constructive role played by the United Nations, particularly by the late Sergio Vieira de Mello, in the peace- and nation-building efforts of their country.

For my part, I am grateful to the Secretary-General, the Security Council and the leaders of Timor-Leste for the opportunity extended to me to serve as a partner in this historic enterprise, and I am most pleased to see the Ambassador José Luis Guterres in this Chamber. I look forward to hearing any views and suggestions he and the other speakers may have to bring about the successful completion of the UNMISET mandate in six months.

The President: I thank Mr. Hasegawa for his briefing.

Mr. Valle (Brazil): I would like to thank the Special Representative of the Secretary-General, Mr. Sukehiro Hasegawa, for introducing the Secretary-General's latest report (S/2004/888) on the United Nations Mission of Support in East Timor (UNMISET) and on Timor-Leste. I also take this opportunity to congratulate him and his team on their contribution to the steady progress that we proudly acknowledge today, particularly regarding institution-building and human resources development in Timor-Leste.

The delegation of Brazil is pleased with the good news about recent developments, in particular the overall achievements made by the people and the Government of Timor-Leste. In the last six months, there was further significant evolution in the areas of justice and security, public administration, human rights, civic education and legal and political affairs, among others. At the same time, we wish to acknowledge the invaluable assistance of the international community, and in particular of the United Nations system, which have been trustworthy partners of the people of Timor-Leste.

As a sister country of Timor-Leste and a member of the Community of Portuguese-Speaking Countries (CPLP), Brazil is particularly thankful to neighbouring countries for the support they provide to Timor-Leste in its efforts to build a viable, peaceful and stable country. It is fair to say that Timor-Leste is already paying back the investment that individual countries and the international community as a whole have made towards its self-determination and independence. The authorities of Timor-Leste and the people are fully committed to a friendly and democratic environment as well as to close and constructive relations with their neighbours. The next step should be Timor-Leste's contribution to regional economic development, as soon as national revenues from oil exploitation start contributing to its own economic development.

In the coming six months, the consolidation phase of UNMISET will come to an end. Tomorrow, the Council will hopefully adopt a draft resolution extending UNMISET's mandate for a final six-month period. In this very short time, there still remains essential work to be done by UNMISET with the full and unequivocal cooperation of the Timorese themselves. As pointed out by the Secretary-General, some weak and fragile sectors remain, requiring further and more focused attention, mainly in the areas of public administration and law enforcement.

My delegation is confident of the progress that UNMISET and the Government of Timor-Leste will make. Brazil believes that, within six months, the minimum threshold of self-sufficiency is likely to be reached. Nonetheless, by the time of UNMISET's departure, the international community and the United Nations in particular will be faced with a challenge that, while perhaps not of large proportions, is certainly extremely relevant. The day after UNMISET's departure will show how creative the Council was in conceiving a new post-conflict peace-building model to assure the transition from a very successful peacekeeping presence to a thoroughly sustainable project of international partnership and cooperation.

My delegation takes this opportunity to strongly encourage the Secretary-General, his team and all the members of the United Nations development family to examine Timor-Leste in an innovative and sensitive manner and to envisage ways and means to meet our current expectations regarding the United Nations role in the post-UNMISET phase. Further strengthening of public administration, national institutions and economic and social development are essential for the consolidation of peace and stability. This is true not only for Timor-Leste, but also for the international community's own record of successful participation in peacekeeping and peace-building efforts in the world.

My delegation gladly acknowledges that the United Nations, upon the Secretary-General's request, is already giving due attention to renewing its presence in Timor-Leste on the basis of a different structure and philosophy. In three months' time, when the next Secretary-General's report on UNMISET will be available, my delegation hopes that the Council, the authorities of Timor-Leste and the Secretariat will be ready to engage in a deeper exchange of views on this issue. Meanwhile, all of us, including the authorities of Timor-Leste, may start consultations in order to assist the Secretary-General on the recommendations that he may wish to present on that occasion.

For our part, Brazil will continue to develop bilateral relations with Timor-Leste as well as through CPLP. Promoting and spreading the use of the Portuguese language is one of our priorities, in which we hope we can count on the support of other countries, particularly in the region. Multilingualism, as we know, is a reality in Timor-Leste, and we must support that as well.

In conclusion, I wish to join those who urged the international community to maintain its full and deep engagement in the country. Timor-Leste deserves to enjoy the rewards of its successful evolution. We believe the best way to do that is by recognizing its legitimate call for inclusion in the international community as a full partner in business, trade, politics and economic and social development.

Mr. Muñoz (Chile) (*spoke in Spanish*): I would like to express my thanks for the presentation of the Secretary-General's report on Timor-Leste (S/2004/888) by the Special Representative of the Secretary-General, Mr. Sukehiro Hasegawa, and we thank him for his work and the work of his team.

We should like to highlight the progress achieved in key areas — particularly the achievements of the Timorese Government — during this consolidation phase. We are pleased that the Government has officially assumed the responsibility for the country's internal and external security, that it has adopted various basic laws and that it has made progress in the electoral field.

Notwithstanding that optimistic scenario, we share the assessment of the Secretary-General that Timor-Leste is not yet self-sufficient enough for the United Nations Mission of Support in East Timor (UNMISET) to complete its work. In that connection, we firmly believe that we cannot jeopardize everything that has been accomplished and that a final six-month extension is an appropriate proposal. In that regard, we support the draft resolution prepared by the delegation of Brazil, which has been virtually agreed upon.

The information provided by the technical assessment mission that visited Timor-Leste in October is valuable. One can see that the structure and the development of the public administration still have obvious needs that must be met. Timor-Leste needs officials who are well prepared and who are examples of honesty and probity. We share the concern about the lengthy delays in the administration of justice and the shortcomings in the area of human rights; thus we agree on the need to promote capacities in that sphere. Therefore, the contribution that UNMISET can continue to make to the establishment of the judicial system is essential during this next phase.

Another element central to the achievement of real stability in Timor-Leste is economic development that will enable the country to overcome poverty,

generate jobs and improve the people's social well-being. In that connection, we welcome the progress made in exploiting the country's mineral resources. Likewise, we highlight the ongoing assistance programmes being carried out, not only by the United Nations, but also by the Bretton Woods institutions and various donor countries.

We also welcome Timor-Leste's excellent relations with its neighbours in the area. In particular, we highlight the excellent cooperation between Timor-Leste and Indonesia. We hope that they will soon arrive at an agreement on delineation of the border and that they will continue to make progress in various areas and in their bilateral relations. In addition, it is essential that those responsible for the grave crimes committed in 1999 pay for their actions.

In the area of human rights, we welcome the assistance provided by UNMISET through the Serious Crimes Unit in seeking to solve the crimes committed in 1999, and we highlight its efforts to complete its investigations this month. We therefore support the strategy to settle by May 2005 all arrest warrants against persons who have been indicted, but whose cases have not yet been brought before the Court. As the Secretary-General's report points out, we must take into consideration the probability that that task will not be concluded by the date envisaged and therefore that additional measures may need to be undertaken in the future. For that reason, we will consider with interest any proposals that the Secretary-General might make in that important area.

With regard to the programme's other elements, we particularly value the work being carried out by the national police throughout the country. We also highlight the work being done by UNMISET's police component to train, instruct and supervise Timor-Leste's national police. Lastly, with respect to maintaining security, we are pleased that the situation in the country has been quite calm, although we cannot ignore certain sources of instability, which are related to contraband, illegal trade and illegal border crossings. That was addressed in resolution 1543 (2004).

Finally, we recognize the valuable work being done by other actors — particularly regional actors — and by donors in the international community, who continue to demonstrate a strong commitment to Timor-Leste. Chile — which has been cooperating with Timor-Leste from the outset and has even provided troops, helicopters and other equipment in the past — remains committed to Timor-Leste and wants this young country ultimately to be an international example of success and hope.

Mr. Thomson (United Kingdom): The representative of the Netherlands will shortly be making a statement on behalf of the European Union in this discussion. The United Kingdom fully subscribes to that statement.

Like the two previous speakers, I should like warmly to welcome to this meeting Mr. Sukehiro Hasegawa, Special Representative of the Secretary-General for Timor-Leste and Head of the United Nations Mission of Support in East Timor (UNMISET), and to thank him for his briefing, and to thank him and the civilian police and military components of UNMISET under him for the work that they have been carrying out.

The Secretary-General's report (S/2004/888) makes clear that Timor-Leste continues to make progress towards self-sufficiency. But, as the Secretary-General also points out, major challenges remain. We acknowledge the important role of UNMISET in helping the Timorese people and Government to address those challenges in the remaining months ahead. In that respect, we note the Secretary-General's recommendation that UNMISET should maintain its current tasks, composition and size until May 2005. If there is to be no further drawdown of UNMISET before its final departure, then it is all the more important that the Mission should prepare and begin the implementation of an effective exit strategy without further delay.

I wanted to make only four brief points, rather than a comprehensive statement.

First, we welcome the continued strengthening of Timor-Leste's relations with Indonesia, but we note with disappointment that an agreement has still not been reached on delineation of the land border. We encourage both countries to work together to resolve that issue as swiftly as possible.

Secondly, we very much recognize the difficulties faced by the Government of Timor-Leste in addressing the veterans issue — on which Mr. Hasegawa has briefed us — and the violence between martial-arts groups. We urge the Government to continue its efforts

to address those issues in a manner that is consistent with humanitarian law.

Thirdly, we welcome the launching by the Timorese Government of a reporting process on its implementation of seven core human rights treaties to which Timor-Leste has acceded. We see that as an important signal of the Government's determination to ensure the full implementation of those treaties.

Fourthly and finally, like the Secretary-General, we welcome both the work of United Nations agencies and the role of bilateral and multilateral assistance in Timor-Leste. All of that plays an important role in facilitating the transition from a peacekeeping operation to a traditional, sustainable-development assistance-framework. For its part, the United Kingdom is working with Australia and with the Timorese Government and people to provide training and assistance to the Timorese police. Under that programme, the first in a series of "train-the-trainers" courses began on 11 October.

Mr. Baali (Algeria) (*spoke in French*): At the outset, I welcome the Special Representative of the Secretary-General, Mr. Sukehiro Hasegawa, and thank him and his team for the remarkable work they have accomplished at the United Nations Mission of Support in East Timor (UNMISET). As well, I thank Mr. Hasegawa for his presentation of the progress report of the Secretary-General (S/2004/888).

In recent months, Timor-Leste has achieved considerable progress in all areas related to nation-building and the creation of the infrastructure and conditions required for the harmonious functioning of the State. Preparations are under way for the holding of local elections with the assistance of UNMISET and other bilateral and multilateral partners. The capacities of public administration, the judicial system and the security agencies have been strengthened. The Timorese Government has carried out its national administrative functions effectively and responsibly. As well, in recent months, there has been progress in the economic and social development of Timor-Leste. We welcome that outstanding progress and the work of the United Nations Mission of Support in East Timor in peace-building and in support of the development of the institutions of Timor-Leste.

Relations between Timor-Leste and neighbouring countries, in particular Indonesia, remain an essential factor in the current phase of the consolidation of the nation-building process. My delegation welcomes Timor-Leste's readiness to cooperate with its neighbours, in particular Indonesia. In that context, we hope that the two parties will soon reach agreement on the final delimitation of their land borders, in the light of the importance of such an agreement for their security and for the stability of the region as a whole.

Likewise, we hope that negotiations with Australia on the maritime border and on the sharing of oil and natural gas resources will move more firmly and more speedily towards an agreement, which is crucial for Timor-Leste's security and general socio-economic development.

It is clear that, in spite of the significant progress made, Timor-Leste has not yet achieved the desired level of autonomy. Its public administration remains fragile. In the area of law and order, the Timorese police force continues to show institutional weakness, in particular with respect to training. As well, the national security capacities of Timor-Leste remain at an early stage of development.

It is therefore important that for the final months of UNMISET's mandate, the terms of that mandate should not be modified. That way, the Mission will be able to continue to support Timor-Leste's ability to ensure its security and stability and to consolidate the progress made so far. For that reason, we support the Secretary-General's recommendation to extend UNMISET's mandate for six months, without modifying its tasks as set out in resolution 1543 (2004).

In order to truly attain social stability and sustainable economic development, the Government and the people of Timor-Leste need the international community's steadfast and sustained support. We are convinced that the Government and the people of Timor-Leste will achieve greater progress in nation-building and in the consolidation of State institutions.

Mr. Zhang Yishan (China) (*spoke in Chinese*): First, I thank the Secretary-General for his progress report on the United Nations Mission of Support in East Timor (S/2004/888). I also welcome the appointment of Mr. Sukehiro Hasegawa as the Special Representative of the Secretary-General for Timor-Leste, and I thank him for his briefing.

In the period under review, the situation in Timor-Leste has remained stable, the economy has recovered

somewhat and people's lives have improved. It should be noted that the country has made steady progress in institution-building; important new State institutions and security agencies have been established. The capacity of the public administration, the judicial system and the security system has been enhanced, and a number of important laws have been adopted. We note that progress with satisfaction, and we congratulate the Government and the people of Timor-Leste on that achievement.

We pay tribute to the United Nations Mission of Support in East Timor (UNMISET) under the leadership of Mr. Hasegawa. At the same time, we observe that the Secretary-General has noted in his report that although notable progress has been made in many areas, important challenges still lie ahead and that Timor-Leste continues to require the assistance of the international community. We therefore support the renewal of UNMISET's mandate for a further six months, maintaining its current size, composition and tasks, so that the achievements made can be consolidated.

We believe that we should all act with urgency and redouble our efforts until UNMISET's mandate is completed. UNMISET and Timor-Leste should enhance their cooperation and prepare a satisfactory exit strategy so that Timor-Leste can achieve self-sufficiency at an early date. The United Nations system and international financial institutions should maintain their attention and support for Timor-Leste in order to ensure the country's sustainable development.

Finally, we pay tribute to Timor-Leste for its efforts to improve its relations with neighbouring States. On the outstanding issues between Timor-Leste and its neighbours, we believe that the international community should respect the wishes of the Government and the people of Timor-Leste and should support Timor-Leste and its neighbours in finding satisfactory solutions in the interest of lasting regional stability and in the long-term interests of the people of Timor-Leste.

We believe that through the efforts of the Government and the people of Timor-Leste, with the support of the international community and the United Nations, Timor-Leste will be rejuvenated and make steady progress in its task of nation-building.

Mr. Adechi (Benin) (*spoke in French*): We thank the Special Representative of the Secretary-General, Mr. Sukehiro Hasegawa, for the excellent briefing he has just given the Council on the report of the Secretary-General (S/2004/888) on the situation in Timor-Leste, which in general is positive. We listened with interest to his personal report on the firm progress of this young nation on the path towards the consolidation of its institutions and economic and social recovery.

Benin welcomes the numerous advances achieved by the Government and the people of Timor-Leste. That progress demonstrates that they are making good use of the support of the international community. In particular, we welcome their praiseworthy efforts for the normalization of the situation in the country and for strengthening stability throughout the Timorese territory, the establishment of political institutions, the consolidation of the foundations of public administration, the continued strengthening of the national police and improved relations with the other countries of the region, in particular Indonesia and Australia. We also welcome the bold measures taken by Timor-Leste to deal with structural problems, inter alia, by adopting laws on the private sector. Such measures will help ensure a smooth transition from the phase of emergency assistance to that of laying the foundations for sustainable development.

We take note of the continuing efforts of the World Bank, United Nations Development Programme and other United Nations institutions aimed at strengthening institutions in the socio-economic fabric of the country.

Nevertheless, we cannot say that the targets set have been achieved in all areas. Activities under way certainly deserve to be pursued and consolidated, because the report of the Secretary-General shows that much remains to be done to ensure that these achievements are well rooted, in particular the strengthening of professionalism and discipline within the police force and the strengthening of the justice sector.

Similarly, we are perplexed by the fact that the expected progress in the maritime and land border demarcation of Timor-Leste is taking a long time. We, therefore, urge the countries concerned to move this process forward in the interest of peace, stability and integrated development throughout the region.

Overall, we share the view of the Secretary-General, who states in paragraph 65 of his report that

the situation on the ground does not warrant any modification of the tasks of the United Nations Mission of Support in East Timor (UNMISET). Therefore, we support the current size of the UNMISET staff in the consolidation phase. We also agree with the draft resolution submitted by Brazil. The adoption of this procedural draft resolution, which conforms with the letter and the spirit of Security Council resolution 1543(2004), will reaffirm the Council's will, already expressed, to renew the UNMISET mandate for another six months — that is, until 20 May 2005. The international community must remain committed to this young nation in its development. It is important as well for the activities of the international community to take into account the vision of the leaders of Timor-Leste as to the future of their country.

The exit strategy of UNMISET must depend on the support that United Nations funds and programmes can offer, which should continue to assist Timor-Leste until it becomes fully self-sufficient and can draw on its own economic strengths. We must not lose sight of the fact that Timor-Leste is one of the least developed countries; therefore, it requires substantial support in official development assistance in order to set up basic infrastructures to deal with structural weaknesses so that rapid economic development of the country can be ensured.

Mr. Poirier (France)*(spoke in French)*: France would like to express its satisfaction with the information given us by the Special Representative of the Secretary-General. In spite of the difficulties pointed out, developments in the situation in Timor-Leste have been positive ones. We would like to transmit our congratulations to the Timor-Leste authorities and to the United Nations Mission of Support in East Timor (UNMISET) for the progress achieved, both in the construction of an effective State and in the process of the integration of the overall South-East Asia region.

We are in favour of extending UNMISET's mandate for another six-month period, as proposed by the Secretary-General in his report, so that the Mission might be able to fulfil its mission in support of the Dili authorities.

France is and will remain especially attentive to the efforts to be carried out in the next six months by the Government of Timor-Leste and by the United Nations Mission on the ground, so as ensure that impunity does not prevail, as described by the Secretary-General in paragraph 69 of his report.

Finally, we support the draft resolution submitted by the delegation of Brazil. We submitted some amendments to it this morning, which, I take it, are currently in the process of being discussed among our experts.

Mr. Trautwein (Germany): My delegation is grateful for the comprehensive and instructive briefing given by Mr. Sukehiro Hasegawa, Special Representative of the Secretary-General, and we welcome the detailed progress report of the Secretary-General on the United Nations Mission of Support in East Timor (UNMISET).

Let me begin by saying that Germany aligns itself with the statement to be made by the Netherlands on behalf of the European Union.

Germany commends the steady progress achieved by the people and the Government of Timor-Leste and by UNMISET in the past three months. The Special Representative deserves our special tribute for having constituted eight working groups following the previous discussion in the Council in August, thus maintaining the momentum and following-up on the concerns expressed by member States.

Germany agrees with the balanced assessments and conclusions of the Special Representative and with the report of the Secretary-General. While acknowledging the progress Timor-Leste has made in the past few months on its path towards self-sufficiency and stability, the finish line has not yet been crossed. The political solution of various issues on the domestic front demands urgent and continued efforts on the part of the Timorese authorities. Further development of key State institutions and security agencies, the veterans issue, the broadening of the dialogue with civil society, the appointment of the Provedor for Human Rights and Justice and the focus on reconciliation as an important element in nation-building are required.

Likewise, the efforts of the Timorese Government to solve outstanding external problems prior to the termination of the mandate require continued attention on both sides. Germany is confident that further progress towards concrete agreements on border delineation and other pending issues with neighbouring

countries can and will be achieved in the next few months.

As regards the role of the United Nations system, we share the view of the Secretary-General and Mr. Hasegawa that UNMISET will have to focus increasingly on preparing and implementing its exit strategy during the coming six months, aiming at increasing Timorese ownership, but also requiring sustained bilateral and multilateral assistance following the departure of UNMISET. We agree with the Secretary-General that the donors' conference to be held in March 2005 will hopefully be instrumental in this regard.

In the light of the remaining domestic and international challenges Timor-Leste is still facing, Germany supports the recommendation of the Secretary-General to retain the Mission with its current tasks, configuration and size during the final extension of the mandate until 20 May 2005.

Timor-Leste has repeatedly and rightly been described as a possible exemplary model for nation-building. Germany encourages all Timorese and international actors involved to remain committed and focused in order to complete this success story.

Taking into account the desire for justice of those affected by violence in 1999 is, in our view, part of the reconciliatory process and successful nation-building based on the rule of law. In this respect, we look forward to specific proposals in the near future.

Mr. Lucas (Angola): I would like to welcome and to thank the Special Representative of the Secretary-General in Timor-Leste, Mr. Sukehiro Hasegawa, for his comprehensive presentation of the report of the Secretary-General. We express our heartfelt appreciation for the progress achieved by the Timorese people, as portrayed in the report, and for the good prospects ahead in building a stable, modern and democratic society in Timor-Leste.

We would like to dwell briefly on some crucial aspects referred to in the report of the Secretary-General. First, we support the recommendation contained in the report, which corresponds with the wishes of leadership of Timor-Leste namely, that of retaining the United Nations Mission of Support in East Timor (UNMISET) with its current tasks configuration and size until 20 May 2005, allowing the Mission to complete key tasks and consolidate gains made thus far. Thus, we are in full agreement with the draft resolution on the extension of UNMISET's mandate, presented by the Brazilian delegation.

Secondly, despite the progress achieved by Timor-Leste during UNMISET's consolidation phase, the country has not yet reached the critical threshold of self-sufficiency. The public administration and justice systems are still weak and fragile, demanding continued international assistance and a coherent and effective exit strategy when the mission departs in May 2005. This will ensure that advances in those key areas are not put in jeopardy.

Thirdly, when dealing with the great challenges faced by law enforcement concerning security and stability in Timor-Leste, the report underlines the need for further training of the national police to bring it up to a desired level of professionalism, competence and skills, as well as the need for full implementation of the training programmes currently under way.

Fourthly, the main tasks of UNMISET in its final mandate which the Security Council will soon approve, will be centred on the preparation of its exit strategy. That strategy should be based on the increased ownership and involvement of the Timorese in systems of public administration, justice, law enforcement and national security and, concurrently, on the mobilization of bilateral and multilateral partners, whose assistance will be crucial in further efforts towards a sustainable development assistance framework for Timor-Leste.

Timor-Leste will face, from next year on, a new phase of its existence as an independent nation, with basic changes in the character of international assistance. My delegation urges bilateral and multilateral donors to continue providing timely and appropriate assistance for the consolidation of peace and the development of Timor-Leste.

We took note with satisfaction of the scheduling of the donors' conference for March 2005. It is our expectation that the conference will not fail the Timorese people and that it will be a fundamental instrument in the framework for sustainable development assistance for Timor-Leste.

We commend the role played by UNMISET and the funds, programmes and specialized agencies of the United Nations system in promoting the rehabilitation of infrastructures, in enhancing public services,

ensuring full security and in institutional capacity development.

To conclude, we view the relations between Timor-Leste and its neighbours — particularly Indonesia and Australia — as very important factors in its overall situation, particularly for its security, stability and development. We praise the commitments made by those two key countries to the future of Timor-Leste and the constructive dialogue they have undertaken on issues of mutual interest, in particular, concerning border demarcation and management. My delegation hopes that the process will proceed quickly and that substantial progress will be achieved before the end of UNMISET's mandate.

Mr. Khalid (Pakistan): We would like to extend a warm welcome to the Special Representative of the Secretary-General, Mr. Hasegawa, who today has made an appearance in the Security Council in his present capacity. We thank him for introducing the report of the Secretary-General (S/2004/888) and for the update he has given to the Council on the situation in Timor-Leste. We also wish him good luck in his efforts.

Timor-Leste has made remarkable progress since its independence. The credit for the success is largely owed to the people and the Government of Timor-Leste. We commend them for their achievements, in spite of extremely difficult circumstances. We appreciate, in particular, the bold efforts of the Timorese leadership to encourage national reconciliation. We hope that it will continue to strive to heal the deep wounds of the past, both internal and external.

Pakistan supports the efforts of the United Nations Mission of Support in East Timor (UNMISET) to consolidate peace and assist institutional development in Timor-Leste, especially in key programme areas of public administration and justice, development of law enforcement and maintenance of security and stability. Those tasks continue to remain critical for the transition from peacekeeping to peace-building. We also acknowledge UNMISET's key role as a confidence-building mechanism, both within Timor-Leste and between Timor-Leste and Indonesia. That is a model that the United Nations could replicate in other regions where its missions are deployed.

The report of the Secretary-General provides an update on the progress made in each of the programme areas. While some progress has been made in those areas, it is obvious that much more still needs to be done. For example, the Timorese public administration sector continues to require substantial international assistance in the short and medium term. The justice sector is also in need of considerable strengthening. The lack of a suitable framework continues to hamper the training and development of the national police, which continues to face capacity, management and resource constraints, as well as discipline issues.

With respect to the capacity of the Timorese defence forces, in spite of progress, that important area remains hampered by a lack of experienced personnel and appropriate training regimes, and by limited equipment and logistic capacity. All that underscores the need for UNMISET's close and continuing engagement with its Timorese counterparts, to overcome the shortcomings.

Pakistan supports the extension of UNMISET's mandate at its present strength and composition for the further period of six months, in order to consolidate the gains made thus far and to complete the key tasks assigned to UNMISET in Security Council resolution 1543 (2004).

In addition to the efforts of UNMISET, the most imposing long-term challenge confronting Timor-Leste remains its socio-economic recovery. While the country's economy has shown signs of recovery, serious deep-rooted structural problems, underdevelopment of the private sector and the lack of enabling legislation continue to hamper progress in key economic areas.

It will continue to be difficult for Timor-Leste to sustain its economic recovery without sustained international support. We hope that the international donor community will continue to provide its indispensable assistance to Timor-Leste in order to enable that country to stand on its own feet.

The continued support of Timor-Leste's neighbours is also vital in that regard. Pakistan believes that the development of close and friendly relations between Timor-Leste and Indonesia is of utmost importance and is in the best interest of both countries. We also hope that Timor-Leste's other neighbours could also resolve their bilateral issues with Timor-Leste in order to allow that country to attain its true economic potential.

Finally, Timor-Leste is widely considered a success story for United Nations peacekeeping efforts. However, the real success of peacekeeping is not measured in years, but in decades. Timor-Leste will continue to need our support in the remaining phases of UNMISET's presence, and beyond. All efforts must be made to ensure that the gains so painstakingly achieved are consolidated and not lost.

Mr. Baja (Philippines): I thank you, Mr. President, for convening this open meeting to discuss the report of the Secretary General (S/2004/888) on developments in Timor-Leste. I also wish to thank the Special Representative of the Secretary-General, Mr. Hasegawa, for his presentation of the report of the Secretary-General and its recommendations.

My delegation commends the continuing and sustained efforts of the Government of Timor-Leste to take on greater responsibility in the preservation and maintenance of peace and security there. The Government has been taking steps to resolve the veterans issue and to curb the recent upsurge of violent incidents between martial arts groups. That has allowed the Timor-Leste Government, together with the United Nations Mission of Support in East Timor (UNMISET) and the funds, programmes and specialized agencies of the United Nations system and other development partners, to address the multifaceted challenges associated with its nation-building and institution-building processes during the transition period.

Concrete achievements have been realized. To us, the most important is the fact that Timor-Leste is continuing to nurture its relations with its neighbours.

A number of important bills have been presented to the National Parliament. The holding of local elections before July 2005 appears to be a realizable goal, the recruitment of Timorese counterparts to certain key posts has been improving, and the development of the national police and the Timorese defence force is progressing. Furthermore, the Timor-Leste economy is starting to show signs of recovery, with inflation moderated and real gross domestic product projected to post a 1 per cent increase in 2004.

Notwithstanding that modest progress, my delegation notes the Secretary-General's caution that much remains to be done in key areas, from good governance and institution- building to security-sector reform. He also noted what he described as a striking 17.4 per cent increase in the total population, with the population of Dili district growing by 39.3 per cent in three years, indicating a dramatic rate of urbanization that will pose many challenges for the Government, not only in providing basic social services but also in ensuring peace and order in the city.

As Germany has pointed out, continued international assistance to Timor-Leste is needed, particularly after UNMISET leaves. Bilateral or multilateral assistance should be identified early on to ensure a seamless transition as part of UNMISET's exit strategy. The Secretary-General's report cited such specific areas as the development of the Timorese public administration; institutional capacity- building in certain areas; and further training, infrastructure, equipment and logistical support for the law enforcement and security agencies of Timor-Leste.

Taking into account the Secretary-General's conclusion, given all recent developments and the findings of the recent technical assessment mission that Timor-Leste had not yet reached the critical threshold of self-sufficiency, my delegation supports his recommendation to retain UNMISET with its current tasks, configuration and size for a further six-month period, to allow for a completion and consolidation phase and to map out an exit strategy for UNMISET.

In that regard, my delegation welcomes the creation by the Secretary-General's Special Representative, Mr. Hasegawa, of eight working groups to assist in the timely identification of activities for the transition period from the peacekeeping and peace-building operation of UNMISET to institution-building and sustainable developmental assistance. However, the report does not specifically indicate what those areas are. My delegation believes that it would be useful if participants in this open meeting could be informed as to which areas are covered by these eight working groups.

We also welcome the early scheduling of the donors' conference in March, given its potential contribution to a smoother transition with respect to the forthcoming bilateral and multilateral partners of Timor-Leste.

Finally, my delegation notes the Secretary-General's call for the full cooperation of Member States to ensure that the perpetrators of the serious crimes committed in 1999 in East Timor be brought to justice. My delegation believes that this should be done

in the most practical, appropriate and effective manner, taking into consideration the views, sensitivities and cooperation of the parties concerned.

Mr. Motoc (Romania): I join other members of the Council in welcoming the latest report of the Secretary- General on the United Nations Mission of Support in East Timor (UNMISET) and in thanking Special Representative Hasegawa for his briefing.

As Romania aligns itself with the statement to be made shortly by the Permanent Representative of the Netherlands on behalf of the European Union, I would like to make only a few brief comments.

I take this opportunity to congratulate the authorities of Timor-Leste for the steady progress made towards developing the country and transforming it into a stable and democratic nation, and strongly to encourage them to continue their stabilization and institution-building efforts.

I would like also to express Romania's satisfaction with the continued strengthening of relations between Timor- Leste and Indonesia. We hope that the strong political commitment displayed will generate, without further delay, concrete progress on the pending issue of their border demarcation.

Romania wishes to express its appreciation for the remarkable role played by UNMISET in supporting the capacity-building efforts of Timor-Leste. We congratulate UNMISET on the way that its overall activities have been carried out under the inspiring leadership of Special Representative of the Secretary-General Hasegawa, and we commend him on the effective discharge of its mandate.

We have followed closely the findings of the United Nations assessment mission which visited Timor-Leste pursuant to resolution 1543 (2004). We concur with its conclusion that, despite important progress in developing key State institutions, enhancing the legislative framework and advancing security sector reform, major challenges remain and further international assistance is required.

Accordingly, Romania supports the extension of the mandate of UNMISET for a final period of six months while maintaining UNMISET's current tasks, configuration and size, as provided for in resolution 1543 (2004).

We are confident that, during the remaining six months of its presence in Timor-Leste, UNMISET will make a difference in the process of strengthening Timor-Leste's self-sufficiency, thus paving the way for the United Nations to leave behind a genuine success as its legacy there.

In the meantime, we wish to stress once again the need for sustained support from bilateral and multilateral partners to complement the current efforts of UNMISET, and, following the eventual departure of UNMISET, to continue to provide the necessary assistance to the Timorese.

It is in that context that the call has been made for UNMISET to focus increasingly on preparing its exit strategy in order to ensure greater ownership by the Timorese and a smooth transition from peace-building operation to institution-building and sustainable development assistance by the United Nations system and other bilateral and multilateral partners.

The issue of fighting impunity remains of particular importance to my country. Accordingly, we encourage the Secretary-General to further explore adequate ways of bringing to justice perpetrators of serious crimes committed in 1999. The cooperation of Member States remains essential in that regard.

Mr. Dolgov (Russian Federation) (*spoke in Russian*): We are grateful to the Special Representative of the Secretary-General, Mr. Hasegawa, for his introduction of the progress report of the United Nations Mission of Support in East Timor (UNMISET) and for providing us with the latest information on developments in the situation in that country. We agree with the major observations and conclusions of the Secretary-General.

Over the period under consideration, the Timorese authorities, with the active participation of the United Nations Mission, have made further progress in moving Timor-Leste towards genuine independence. It is important to ensure the continuation of the process of strengthening that country's genuine sovereignty.

However, Timor-Leste continues to face urgent problems, including a lack of infrastructure; a lack of resources, especially of qualified staff; and limited potential as concerns the system of State governance and in the law-enforcement structures of the country.

The East Timorese, with the support of the United Nations and of the international community as a whole, must make substantial efforts so that their country can become fully self-sufficient before the conclusion next May of the mandate of the United Nations Mission.

We welcome the fact that the internal political situation in Timor-Leste has remained, on the whole, a stable one. In that connection, we welcome the measures taken by the Timorese authorities to resolve pressing social issues, including problems related to veterans of the former independence struggle.

We note the successful preparations for local elections and call upon all the political authorities of the country to take a constructive part in them. We also welcome the ongoing development of relations between Timor-Leste and Indonesia. We call upon both States to further strengthen their deepening bilateral cooperation with a view to the earliest possible resolution of the remaining unsolved issues, including the important problem of border demarcation.

It is especially important to ensure the observance of human rights, including by conducting investigations if they are violated. We support the Secretary-General's recommendation — on which an understanding has already been achieved in the Security Council — on a final extension of the UNMISET mandate until 20 May 2005, retaining the current mandate, configuration and size of the Mission. It is important for the United Nations Mission, in the final period of its presence in Timor-Leste, to give maximum attention to preparing an exit strategy so as not to create any gaps in the functioning of Timor-Leste State structures after the Mission has left. For its part, the Russian delegation will continue to give the activities of the Mission all necessary support. We are grateful to the delegation of Brazil for preparing a draft Security Council resolution, which we fully support.

Mr. Yáñez-Barnuevo (Spain) (*spoke in Spanish*): We are grateful to the Special Representative of the Secretary-General, Mr. Sukehiro Hasegawa, for his introduction of the Secretary-General's comprehensive report (S/2004/888), and we thank him for his work as the head of the United Nations Mission of Support in East Timor (UNMISET). We would also welcome the presence here among us of Ambassador José Luis Guterres, Permanent Representative of Timor-Leste.

We fully support the statement to be made by the Netherlands on behalf of the European Union, and I will therefore limit myself to making a few comments.

We welcome the fact that in recent months Timor-Leste has continued to make steady progress in institution-building and in developing the rule of law. With the support of UNMISET and bilateral and multilateral support, the functioning of the judicial system, the public administration and law enforcement agencies have improved and have been further strengthened. We must thank for all of that the Timor-Leste authorities and UNMISET.

That notwithstanding, from the Secretary-General's report, we can see that there are many tasks still pending in important areas. I would highlight in particular the upcoming holding of local elections, the anticipated appointment of a Provedor for Human Rights and Justice, the adoption of important bills on the development of the rule of law, the training of civil servants in the judicial and financial areas and building the capacity of the national police and the armed forces.

In view of that, Spain wholeheartedly supports the recommendations made by the Secretary-General in his report. We consider that the UNMISET mandate should be extended for a final six-month period, retaining its present tasks, configuration and size. We thank the delegation of Brazil for the draft resolution on this matter, which has our full support because it will give Security Council support for an UNMISET exit strategy.

We support the initiative taken by the Special Representative of the Secretary-General to set up a number of joint working groups to prepare for the transition of the present peacekeeping and peace-building mission to a mechanism for assistance to strengthen institutions and ensure sustainable development. A support and coordination role will continue to be played by the United Nations system, which, with the cooperation of other multilateral institutions, is now doing outstanding work. In addition, we hope that the international donors conference to be held in March 2005 will ensure that assistance will be provided to the Timorese people, which will continue to be needed in the new phase.

In the area of human rights, we welcome the Serious Crimes Unit's efforts to complete its activities on time. We hope that the final report of the

Commission for Reception, Truth and Reconciliation will soon be made public. We also agree with the Secretary-General's conviction that all the perpetrators of serious crimes carried out in 1999 in East-Timor must be tried; we await proposals from the Secretary-General to avoid impunity for those perpetrators.

Finally, we must highlight the good relations between Timor-Leste and neighbouring States. Undoubtedly, these are a key factor for the stability and development of the Timorese nation. In particular, we hope that this propitious climate will soon lead to specific agreements on maritime and land border demarcation, and that it will ensure good-neighbourly relations and regional cooperation.

Mr. Danforth (United States of America): I shall now make a statement in my capacity as the representative of the United States.

We welcome the Secretary-General's latest report (S/2004/888) on the United Nations Mission of Support in East Timor (UNMISET) and Special Representative Hasegawa's presentation to the Council. We support the Secretary-General's recommendation to extend UNMISET for a final six months, until 20 May 2005.

During the last six months of the mandate, UNMISET personnel should continue transferring skills and should prepare to transfer responsibility for civil administration, justice, and security to their East Timor counterparts, bilateral donors and other United Nations agencies. As we approach the end of a very successful peacekeeping mission, we must consider outstanding issues that remain unresolved. Most important, the international community should consider what measures should be taken to ensure accountability for the atrocities committed in East Timor in 1999.

As we have stated numerous times, there must be accountability for the human rights violations committed in East Timor. The international community has a responsibility to address this issue. The recent ruling by an appeals court in Indonesia overturning another ad hoc tribunal conviction, bringing the total of those convicted down to a single individual, directly impacts the larger issue of achieving this accountability. The ad hoc tribunal process was seriously flawed. It failed to provide a full and credible accounting for the crimes committed in East Timor in 1999. There must be some level of accountability for those atrocities to create a climate conducive to the development of democratic institutions in both Indonesia and East Timor.

Given the limited jurisdiction of the Serious Crimes Unit and its inability to address crimes already perpetrated by the Indonesian military, and given the failure of the Indonesian ad hoc tribunal process, additional remedial measures may be required. We believe that the Secretary-General should send an expert assessment mission to East Timor and Indonesia to examine the current processes and make recommendations.

I now resume my functions as President of the Security Council.

In order to optimize the use of our time, I will not individually invite speakers to take seats at the table. When a speaker is taking the floor, the Conference Officer will seat the next speaker as well.

I call first on the representative of Timor-Leste.

Mr. Guterres (Timor-Leste): Allow me to take this opportunity to congratulate you, Sir, and your country on the assumption of the presidency of the Council for this month and to thank you and the members of the Council for the opportunity to address the Council.

At the outset, let me thank Secretary-General Kofi Annan for his comprehensive report (S/2004/888), which reviews the activities of the United Nations Mission of Support in East Timor (UNMISET), the progress made in key areas of governance, the shortcomings and the challenges ahead to achieve further progress and the consolidation of our fledgling democracy and country. My Government concurs with most of the analysis of the situation on the ground and fully supports the recommendations contained in the report.

My delegation would like to commend Mr. Sukehiro Hasegawa, Special Representative of the Secretary-General, for his invaluable and inspiring leadership and for his very comprehensive briefing this morning.

Timor-Leste is peaceful and stable. However, despite the progress made in establishing democratic institutions and laying the foundations for a State based on respect for the rule of law and democratic principles, the future is still fraught with many challenges.

The development of capacities in sectors such as public administration, finance and justice continues to progress albeit at a slow pace. My delegation encourages members of the Council, the international community and development partners to continue to support Timor-Leste through the provision of civilian advisers in those key sectors in order to build capacities of Timorese nationals and to develop institutional capacity.

It is critical that the United Nations Development Programme-managed assistance programme for civilian advisers enable the recruitment of advisers as soon as possible. As pointed out by the Secretary-General in his report, only 50 out of 102 civilian adviser posts have been filled. Reducing the number of advisers at this point in time would not only be premature but would have a negative impact on key functions of national institutions.

Timor-Leste remains committed to the establishment of an effective, professional and accountable police force. The promulgation of the Police Organic Law and the Disciplinary Code is indicative of that commitment; however, the effective implementation of those laws requires technical and financial assistance from the international community.

We deeply regretted the excessive use of force by the police during the July demonstration by some veterans. My delegation agrees that much needs to be done to establish a society based on respect for the rule of law and human rights. The creation of an impartial, accountable and responsive police service is an important element as is the development of an independent judiciary. However, I am sure that the Council will appreciate the constraints we are operating under and the resources, both human and capital, we have at our disposal. The provision of police technical advisers and judge mentors through a programme of assistance to core administrative structures and to the justice system would contribute to the achievement of our common goals.

My Government commends the efforts made by UNMISET in responding to the training needs of the national police of Timor-Leste (PNTL) through the development of the skills development plan, in cooperation with local counterparts. Through such initiatives we have seen continued improvement in the skills and capacities of our police force in numerous areas of policing. However, in order to build on the gains made and to achieve the objectives as outlined in the skills development plan, it is necessary that the number of police advisers remain at the current authorized level of up to 157.

Timor-Leste has acceded to the core international human rights treaties, and in an effort to meet its reporting obligations, the Government with the support of the Office of the United Nations High Commissioner for Human Rights, UNICEF and other United Nations agencies, held a workshop in September to build capacities in the areas of data collection and report writing. As a consequence, the Government established focal points in key ministries, secretariats of state and civil society groups to facilitate data collection for drafting Timor-Leste's initial report to the treaty bodies. It is envisaged that another workshop will be held in December for civil society groups.

The Serious Crimes Unit has worked hard to achieve the requirements as set out in paragraph 8 of Security Council resolution 1543 (2004); however, despite those efforts, it may not be possible for the serious crimes process to complete its work within the limited time frame and available resources.

The question of justice in post-conflict societies is complex and difficult to address. As pointed out by the Secretary-General in his recent report on the rule of law,

> "... the consolidation of peace in the immediate post-conflict period, as well as the maintenance of peace in the long-term, cannot be achieved unless the population is confident that the redress for grievances can be obtained through legitimate structures for the peaceful settlement of disputes and the fair administration of justice". (*S/2004/616, para. 2*).

My Government appreciates the efforts of the Secretary-General in exploring possible ways of addressing this issue and endeavours to cooperate with the United Nations, as was reiterated by the Timor-Leste Prime Minister, His Excellency Mari Alkatiri, in his meeting with Secretary-General Kofi Annan on 4 October 2004.

Justice and reconciliation remain the cornerstone of stable democracies; the work undertaken by the Commission for Reception, Truth and Reconciliation in truth finding and reconciliation has contributed to the

healing of wounds from the past and has enabled communities move forward.

Furthermore, resolving the veterans issue is of great importance for the Government and will contribute to the stability of the country. Efforts are being made by the President, the Parliament and the Government through ongoing dialogue with the representatives of the veterans to find an appropriate and sustainable solution. We welcome the continuing support for the Recovery, Employment and Stability Programme for Ex-Combatants and Communities in Timor-Leste (RESPECT) programme which is helping to address the concerns and plight of the veterans.

Our economy is showing signs of recovery, and the Government is committed to creating an environment that is attractive to investment and job creation and to achieving the Millennium Development Goals and the national development plan. The draft investment law is currently before the Parliament for its consideration. Moreover, the Petroleum Fund Steering Committee will be holding public consultations tomorrow on the establishment of a petroleum fund for Timor-Leste. This will provide a good opportunity for civil society to express its views and opinions.

Timor-Leste, with the assistance of the United Nations Population Fund, carried out its first national census which represents the first total population and housing count in Timor-Leste since the restoration of independence in May 2002. The total population of Timor-Leste stands at almost one million, an increase of 17.4 per cent over previous figures. The Government hopes that the data collected will be used effectively by all stakeholders.

Preparations for local elections are well under way, with elections expected in 2005. Civic education concerning the elections is being carried out by the President and the Government throughout the districts, the aim of which to encourage participation and promote the positive engagement of civil society. The conduct of local elections will further consolidate the democratic process and institutions at the village level.

Relations between Timor-Leste and Indonesia continue to strengthen and are characterized by commitment at the highest levels. Both Timor-Leste and Indonesia continue to work towards finalizing the agreement on our common land border as well as other residual issues. Finalization of the land border will facilitate cross-border links between residents in border areas and build mutual trust and confidence. At a recent meeting of the Technical Subcommittee on Border Demarcation, in Indonesia, we were able to reach agreement on a number of segments along the border, and at this point only 5 per cent of the border remains in dispute.

Negotiations with Australia on the maritime boundary were held in September and October this year. We believe that a just and fair resolution of the issue is essential to ensuring Timor-Leste's future economic viability and stability. In general, our relations with our neighbours and our region are excellent and we are looking forward to participating in the meetings of the Association of South-East Asian Nations Regional Forum.

In conclusion, Timor-Leste supports a six-month renewal of UNMISET's mandate with its current parts, configuration and size until 20 May 2005. Furthermore, we support the establishment by Special Representative Hasegawa of eight working groups tasked with identifying activities to ensure a smooth transition from peacekeeping and peace-building to sustainable development. That timely initiative will contribute to finding the most appropriate exit strategy.

Finally, allow me once again to express our deep appreciation to members of the Council, the United Nations Secretariat, UNMISET, the Bretton Woods Institutions, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Development Fund for Women and other United Nations agencies for their continued and unrelenting interest in support of the people of East Timor, without which the progress made to date would not have been possible. To those members of the Council whose terms will expire on 31 December, we express our deep appreciation for their invaluable work and their contribution towards peace during one of the most critical times in the history of the United Nations.

The President: I call on the representative of Indonesia.

Mr. Jenie (Indonesia): I would like to begin by congratulating you, Sir, on your assumption of the presidency of the Council for the month of November. We wish you every success.

My delegation is always grateful for the opportunity to participate whenever the Security

Council deliberates the agenda item on Timor-Leste, which is a neighbour, a close friend and a partner of Indonesia.

My delegation would also like to thank the Secretary-General for his report in connection with progress towards the achievement of key tasks by the United Nations Mission of Support in East Timor (UNMISET). In that context, we would also like to welcome the Special Representative of the Secretary-General for Timor-Leste, Mr. Hasegawa.

As the work of UNMISET begins to wind down, my delegation would like to recall its consistent support for the mandate by which it was set up and for its work ever since. Indonesia has always maintained as a fundamental principle that UNMISET provides the necessary assistance for Timor-Leste to meet the goals of political stability, security and self-reliance in the shortest possible time.

In that connection, we are pleased that the report observes that Timor-Leste is now generally peaceful and stable, with the Government making considerable efforts to address pressing internal issues confronting the country, including the veterans issue and violence between martial arts groups. We are further pleased by the efforts by the Government of Timor-Leste that have yielded positive results in various fields, including the quest for self-reliance.

In the consolidation phase of UNMISET, which began last May, we see that steps have been taken, including the establishment of eight working groups by the Mission to address the key areas of concern that were highlighted by Member States here in the Council on 24 August. Properly implemented, we are certain that the working groups can help in the desired identification of activities necessary for a smooth transition from peacekeeping to institution-building and sustainable development assistance. That will further create a steady and conducive opportunity to complete the mandate of UNMISET successfully within a secure time frame.

Similarly, we note that an integrated technical assessment mission from the United Nations visited Timor-Leste in early October, in accordance with resolution 1543 (2004), and returned with favourable reports of further progress in the development of key State institutions and security agencies, including the adoption of some important pieces of legislation.

It is significant to point out, however, that the technical assessment team also reported that Timor-Leste has yet to reach the threshold of self-sufficiency. It noted that areas of public administration — particularly the finance, banking and justice sectors — remain weak and fragile. We hope that the United Nations and the international community will continue to stand by the Government of Timor-Leste and, through appropriate development assistance mechanisms, support its dedicated efforts.

As the members of the Security Council well appreciate, Indonesia places great value on its relationship with Timor-Leste. We note that the report of the Secretary-General observes that relations between both nations were further strengthened by the visit of Prime Minister Alkatiri to Jakarta on the occasion of the swearing-in ceremony of the new Indonesian President, Mr. Susilo Bambang Yudhoyono, on 20 October.

With regard to the issue of land border demarcation, both nations have continued to hold consultations. It should be recalled that, at the Bali meeting of our Foreign Ministers last June, they did reach a provisional agreement to be submitted to their heads of Government, whereby 90 per cent of the land border demarcation was agreed upon. I should like to add that there has also been steady progress at the working level to settle the remaining 10 per cent, which consists of nine unresolved segments. At the last meeting of the Technical Sub-Committee on Border Demarcation in Yogyakarta on 29 and 30 October — concerning which my colleague Jose Luis Guterres has also informed the Security Council — the two sides further concluded six of those segments, according to the record of discussion signed by both delegations, leading to a total conclusion of about 96 per cent of the land border demarcation, which represents a difference of 1 per cent with my colleague. They are scheduled to meet again on 21 and 22 December to try to resolve the outstanding three unresolved segments. That meeting will also determine further work on the densification of coordinates and, later on, schedule demarcation work.

Therefore, when perusing the Secretary-General's report, one should realize that both Indonesia and Timor-Leste understand that there is indeed more field work to be done in order to arrive at the final agreement. In that context, Indonesia did not expect that the final agreement could have been concluded at

the technical meeting in October and we believe that our partner, Timor-Leste, did not expect that either.

In that regard, Indonesia would like to reiterate its position once again that, in order to facilitate border management activities as soon as possible, Indonesia stands ready to sign a provisional agreement at any time, while continuing to seek agreement on the remaining issues in the not-too-distant future.

Let me conclude on two other matters that are of concern to Indonesia. First is the reference in the report to an Indonesian naval ship that entered Timor-Leste territorial waters on 19 September in pursuit of a private tour boat. I would like to clarify that matter for the record. On that day, an Indonesian naval ship detected an unattended boat floating near the Indonesian maritime boundary with Timor-Leste. It sailed towards the boat in order to ascertain the nature of its presence. However, after repeated requests for contact, the boat, while continuing not to give any response, sped away at high speed. During the event, the ship experienced a mechanical problem and was brought by the currents into the territorial waters of Timor-Leste unintentionally. After a while, the mechanical problem was fixed and the ship turned back. While fixing the problem, the ship tried to contact local authorities in order to avoid misunderstanding, but was unsuccessful.

What is important is that the Government of Indonesia has been in contact with the Government of Timor-Leste and satisfactorily clarified the matter. It is important to point out that no hostile intention whatsoever on the part of the naval ship was evident. In order to avoid similar misunderstandings in the future, however, tourist boats in the border areas, especially those unattended ones by divers, will need to give clear signs concerning their activities.

The second point of concern pertains to the statement that, on 2 November, Indonesian military personnel crossed the Tactical Coordination Line (TCL) in the Cruz area of Oecussi. I would like to inform the Council that, to date, the Government of Indonesia has never received any communication or complaint on that issue, either from the Government of Timor-Leste or from UNMISET. In order to dispel any wrong impressions, I will explain what actually happened on that day.

As we all know, pending the land border agreement, security personnel of both parties use a Tactical Coordination Line that was agreed upon by field officers. There are three zones under the TCL, namely, zone 1, which is patrolled by Indonesia, and zone 3, which is patrolled by Timor-Leste. Both sides also agreed that, in zone 2, no one is allowed to conduct patrols or any other activities. On 2 November 2004, while patrolling in zone 1, Indonesian security officers spotted three people from Timor-Leste who were clearing and burning bushes in zone 2. When the Indonesian side, still in zone 1, walked towards them, they went away. The Indonesian security officers then continued their patrol in zone 1. However, some time afterward, the people who had been burning bushes earlier returned with a bigger group, of about 30 people, and began to throw stones at the Indonesian security officers who were patrolling in zone 1. In order to avoid unnecessary problems, the Indonesian security officers left their patrolling area, which actually was in zone 1.

Given those facts, the portrayal of the incident by the Secretary-General would have been different had clarification from all the parties been sought. As a result, the account given in the report is capable of creating unnecessary negative perceptions towards Indonesia, which we regret. We believe that the United Nations should work to facilitate forward-looking relations between the two countries.

The President: I now call on the representative of Singapore.

Mr. Menon (Singapore): Let me first thank the Secretary-General for his comprehensive progress report (S/2004/888) on the United Nations Mission of Support in East Timor (UNMISET) for the past 3 months. I would also like to pay tribute to Special Representative Sukehiro Hasegawa for his leadership, commitment and outstanding work.

We are encouraged by the steady progress made in various aspects of Timor-Leste's development efforts. The Secretary-General's report has confirmed that the decision of the Security Council in May 2004 to extend the mandate of UNMISET by one year was correct and that the mandate was appropriately defined. Please allow me to highlight a few observations concerning the report.

First, it is clear from the report that Timor-Leste's judiciary and public administration systems are still in the early stages of development. Internal capacity in those areas has yet to be fully established. The work of

international judges and United Nations civilian advisers is therefore crucial to the development of the judicial system and other governmental institutions. The building of those important institutions will take time, and I commend the judges and the civilian advisers for their hard work and commitment. Given the significant increase in the number of returnees and the growing population of Dili, programmes focusing on the areas of education, job creation, the provision of utilities and health care will also have to be continuously developed and sustained.

Secondly, we note that the overall security situation in Timor-Leste has been calm and peaceful in recent months. That is due in no small measure to the presence of United Nations forces. But the work to build Timor-Leste's own capacity to ensure stability has only just begun. Until the capacity of the Timorese national police and defence force is fully realized, the work of the UNMISET security forces will be vital to the provision of a secure framework for development. The Secretary-General's report has noted the lack of professional experience of the police and the defence forces, the slow resolution of the grievances raised by ex-combatants and veterans and the growing voice of martial arts groups. Those are possible challenges to the internal security situation that merit our attention.

We support the Secretary-General's recommendation that UNMISET's current tasks, configuration and size be retained until 20 May 2005. That is critical to the consolidation of what has been achieved thus far. We agree that it is important for UNMISET to focus on the strengthening of local institutions before the final exit of United Nations forces. The remaining months are crucial, and UNMISET must ensure that the departure of the United Nations does not create a vacuum in which instability and uncertainty prevail. The United Nations will need to consider how the current programmes by the United Nations Development Programme, the United Nations Population Fund and the United Nations Children's Fund can be further expanded so as to ensure a smooth transition to Timorese ownership.

I would urge the Security Council to conduct a further evaluation of the state of Timor-Leste's self-sufficiency before the expiry of the UNMISET mandate, in May 2005. That will enable the Security Council to take an objective decision on the level of support and assistance to be rendered to Timor-Leste in the months ahead, as well as after the expiry of the United Nations mandate. While Timor-Leste continues to seek sources of bilateral and multilateral assistance, the United Nations must correspondingly harness the collective efforts of its development programmes for the benefit of that young nation.

The people of Timor-Leste have made considerable progress since the country became independent, in May 2002. However, there is still much that needs to be done. Further international assistance will be critical to consolidate and build upon the gains that have been made in an atmosphere of peace and security. Timor-Leste will continue to require international assistance, specifically in the area of strengthening its security forces, public administration and judicial institutions. Let us, as responsible partners and friends, continue to render the necessary support to that young nation so that it will see measurable and sustainable success in its efforts at nation-building. Singapore remains fully committed to assist and support Timor-Leste. Together with the United Nations, we have a stake in helping Timor-Leste succeed.

The President: I now call on the representative of Australia.

Mr. Douth (Australia): I would like to thank you, Mr. President, for having convened this open meeting of the Security Council on Timor-Leste, a country that, like my colleague from Indonesia, I can describe as a neighbour, a close partner and a friend. We are proud of what we have done to assist Timor-Leste in building a stable and sustainable democracy. Together with the United Nations and with other neighbours, many of which are represented here today, we continue to have a big stake, as my colleague from Singapore has just said, in ensuring that Timor-Leste is equipped to meet the challenges that it faces.

We welcome the Secretary-General's report (S/2004/888) on the United Nations Mission of Support in East Timor (UNMISET), and we are very pleased today to welcome the Special Representative of the Secretary-General, Mr. Sukehiro Hasegawa. As the report confirms, Timor-Leste has made steady progress in its institution-building efforts. It is encouraging that the support of the United Nations and the international community is having a tangible impact in areas of key concern. I was very taken by the remarks in that regard made by my friend and colleague Ambassador Guterres.

Of course, although notable advances have been made, Timor-Leste has not yet achieved self-sufficiency. More needs to be done to develop its public administration capacity and the professionalism and competency of its security institutions. Both areas are obviously critical to Timor-Leste's long-term stability. It is clear that Timor-Leste requires the ongoing assistance of the international community and of the United Nations.

We therefore strongly endorse the report's key recommendation that UNMISET be retained with its current tasks, configuration and size until 20 May 2005. Any precipitate withdrawal would undermine the many gains that have been made to date. Most important, UNMISET will continue to play a critical role in enabling Timor-Leste to further develop the capacity of key institutions. We very much hope that Security Council members will support the Secretary-General's recommendations and agree to UNMISET continuing for the next six months.

Over the next six months it will be important for UNMISET to accomplish as much as possible to implement a viable transition strategy, taking into account Timor-Leste's development needs. Looking further afield, it will also be critical for United Nations development agencies and the broader international community to remain engaged in a coordinated way to assist Timor-Leste with its many development challenges. We hope the next report of the Secretary-General on Timor-Leste will address those important issues.

For Australia's part, we remain firmly committed to assisting Timor-Leste to meet its development needs. We will continue to provide strong support to UNMISET, including through the contribution of personnel to the military liaison officer and police adviser contingents. Australia will also continue to be a major provider of bilateral development assistance to Timor-Leste, especially in the areas of policing and good governance.

Much remains to be done, but we remain fully confident that UNMISET personnel, in conjunction with the critical commitment and efforts of the people of Timor-Leste, will ensure that UNMISET successfully fulfils its important mandate.

The President: I now call on the representative of Japan.

Mr. Haraguchi (Japan): Mr. President, thank you for convening this public meeting. I also wish to thank Mr. Hasegawa for his briefing.

First of all, I would like to make it clear that the Government of Japan supports the recommendation of the Secretary-General to extend the mandate of the United Nations Mission of Support in East Timor (UNMISET) for an additional six months. At the same time, I wish to stress that this is going to be a very important period for the successful conclusion of the tasks assigned to the peacekeeping operation in Timor-Leste. Japan will continue to extend its utmost support so as to ensure that the peace is firmly established and UNMISET is able to complete its mandate successfully. We believe it has become our particular duty to do so because the final phase of the activities of UNMISET coincides with the period in which Japan takes up its duties as a non-permanent member of the Security Council.

There is no question that Timor-Leste continues to need assistance for its nation-building. In view of the forthcoming completion of the tasks of UNMISET, therefore, it is essential to make sure that those nation-building-related tasks which have also been carried out by UNMISET are taken over by bilateral assistance schemes or international development institutions. In this connection, we welcome the fact that UNMISET has established eight working groups with a view to facilitating a smooth transition from a peacekeeping and peace-building operation to more traditional institution-building and sustainable development assistance. We also hold in high regard the initiatives by the leadership of Timor-Leste to properly address the grievances of veterans, which are a clear expression, in our view, of a sense of ownership on the part of Timor-Leste.

Although there are still a number of tasks that have to be undertaken in the field of nation-building, the Government of Japan is confident that further progress towards the consolidation of peace will be made through the continuing efforts of the people of Timor-Leste, with assistance from the United Nations and the international community. We welcome the convening of the donors' conference in March of next year, at which the international community will discuss issues regarding nation-building following the completion of United Nations peacekeeping operations.

Needless to say, in concluding the peacekeeping activities of the United Nations, it is particularly important to ensure the peace and security of Timor-Leste. It is regrettable that the delineation of the land boundary between Timor-Leste and Indonesia has yet to be finalized. We do hope that both countries will continue to make their best efforts to resolve this matter at an early opportunity. My Government recognizes that the resolution of the issue of serious crimes will be critical for the future stability and development of Timor-Leste. We plan to continue to work with the people of Timor-Leste and other countries concerned regarding what sort of steps would be the most desirable in dealing with this issue and for the future success of Timor-Leste.

Japan has been actively assisting in the building of a sustainable Timor-Leste and is determined to continue its contribution in that regard. My Government has pledged assistance in the amount of $60 million over the first three years following independence, and has been steadily implementing that aid with a focus on peace-building and reconstruction in the three key areas: agriculture, infrastructure and human resources development. We have already invested $57 million in infrastructure projects such as roads, electricity and water supply in the Dili district. Japan is also dispatching so-called civil power, that is, groups composed of veterans of our Self-Defence Forces engineering group, as well as non-military engineering specialists, to train Timor-Leste Government staff to operate, maintain and manage the equipment and materiel which our engineering group donated after the completion of its mission. We hope such support will be helpful in improving the life of the people, which is the basis of the nation-building that is now underway in Timor-Leste.

We also believe the United Nations Development Programme's Recovery, Employment and Stability Programme for Ex-Combatants and Communities in Timor-Leste, which Japan has been supporting, has been very useful for the nation-building of Timor-Leste. We wish to call upon United Nations Member States to extend their valuable support to similar projects in Timor-Leste.

Finally, I wish to underscore once again how important this final period will be for Timor-Leste. Japan is convinced that, through the efforts of UNMISET, headed by the Special Representative of the Secretary-General, Mr. Hasegawa, and the people of Timor-Leste, acting under the guidance of their wise leaders, stability and the foundations for the development of Timor-Leste will be strengthened, and the United Nations peacekeeping operation will successfully complete its mission.

The President: I now call on the representative of New Zealand.

Mr. MacKay (New Zealand): I would like to thank the Secretary-General for the preparation of his progress report (S/2004/388) and Mr. Hasegawa for his briefing and presentation earlier in the meeting.

Once again, we commend the progress that has been made in Timor-Leste through the work of the United Nations Mission of Support in East Timor (UNMISET), the Government of Timor-Leste and the commitment of international donors who continue to support those efforts. In particular, we congratulate the Government of Timor-Leste for its continuing determination in addressing the significant challenges it faces as a small emerging nation, with limited resources and capacity.

Looking at the key achievements over the past few months, we are pleased to note the progress made in developing key State institutions and security agencies, including the adoption of important legislation. We are also pleased to note that good progress has been made in respect to delineating the land border between Timor-Leste and Indonesia, and we look forward to final agreement being reached on that issue in the near future. Similarly, we look forward to further positive negotiations between Timor-Leste and Australia regarding the maritime boundary.

Looking forward, we fully support the Secretary-General's recommendation that the current objectives, configuration and mandate of UNMISET should be continued as currently structured until May 2005. We see the coming months as a consolidation and transition phase. As identified in the Secretary-General's report, it will be necessary for UNMISET to ensure that the remaining time is well used, in order to ensure a smooth handover of remaining functions to the Government of Timor-Leste and, where appropriate, to ensure that the necessary assistance is available from bilateral and multilateral partners.

As part of this transition strategy, we hope that the Security Council, together with United Nations agencies and donors, will give particular thought to the

shape of support that will be required when UNMISET necessarily comes to an end. It is of paramount importance that we have in place a robust strategy to ensure a successful transition from conflict resolution and peacekeeping to consolidation and nation-building. Like others, we are pleased to note that, following the last meeting of the Security Council, the Special Representative of the Secretary-General constituted several working groups bringing together all parties, including the Government of Timor-Leste, UNMISET, United Nations agencies, the Bretton Woods institutions, non-governmental organizations and donor partners to examine the steps necessary to manage the transition. We look forward to continued cooperation and strategizing along those lines.

I would also like to highlight that a transition strategy will be very important in the justice sector. New Zealand remains a strong supporter of the work of the Serious Crimes Unit and of the Special Panels, which are essential components of an internationally supported process to see justice served for crimes committed in East Timor in 1999. Those responsible for crimes committed in 1999 must be brought to justice in a manner that is consistent with the standards of international law. The international community cannot tolerate an environment of impunity. New Zealand therefore welcomes all efforts to continue to address that issue, and we look forward to the Secretary-General's thoughts on the most effective arrangement to address the challenges involved.

In conclusion, Timor-Leste has made great strides. As I said at the beginning of my statement, we congratulate the country's Government for its determined efforts as a young nation. As we move into a new phase of consolidation and transition, continued support from the international community — and particularly from the United Nations — will be vital for Timor-Leste's future.

The President: I now call on the representative of Portugal.

Mr. De Santa Clara Gomes (Portugal): I would like to thank the Secretary-General for his latest report (S/2004/888) on the situation in Timor-Leste and to welcome the Special Representative of the Secretary-General, Mr. Sukehiro Hasegawa, back to the Council.

Portugal subscribes to the statement to be made shortly by the representative of the Netherlands on behalf of the European Union. I will only add a few comments of our own.

The Secretary-General's report establishes clearly that Timor-Leste has made significant advances towards self-sufficiency. Nevertheless, major challenges remain, and continuing international assistance is essential. Portugal agrees with the Secretary-General that, under the current circumstances, we should refrain from making any change to the composition or size of the United Nations Mission of Support in East Timor (UNMISET), including those of its police and military components. In that context, I want to take this opportunity to add that a significant part of the equipment utilized by the former Portuguese military contingent of UNMISET — amounting to more than $20 million — was donated by Portugal to the Government of Timor-Leste.

Timor-Leste's relations with its neighbouring countries continue to develop, but it is with concern that we note that that has not yet resulted in any concrete agreement on one major aspect: border delineation. Stable relationships with neighbouring States and timely access to natural resources are essential in paving the way for the peaceful and economically sustainable development of Timor-Leste, but so is the settlement of both land and maritime borders.

The justice sector continues to show serious shortcomings; it remains an area that needs critical assistance from the international community. In that context, I would like to inform the Council that Portugal has contributed $1.2 million to help the Ministry of Justice, together with the United Nations Development Programme and UNMISET, to launch an institution called the Judicial Training Centre. Today, the Centre provides standardized post-graduate professional training to all judges, prosecutors and public defenders as a condition for their permanent appointment. We also note that, although drafts of a criminal code and a criminal procedures code are currently under consideration, it is important to move forward in that process. Portugal believes that both codes will complement the legislation on the national police.

Portugal is also seriously concerned at the Secretary-General's recognition that it may not be possible for the serious crimes process to respond fully

to the need and desire for justice for all those affected by the events of 1999. Like the Secretary-General, as stated in his report, we believe that the perpetrators of those serious crimes must be brought to justice. We will support an initiative of the Secretary-General aimed at exploring possible ways to bring about true accountability in situations of human rights violations.

My final remarks relate to the responsibility of the international community and of the United Nations in this important final stretch in Timor's recent history. It is important that UNMISET — a peacekeeping operation — be terminated, as planned, in May 2005. But it is even more important that Timor-Leste continue to benefit from the organized and coherent support of the United Nations system after that date. We are all aware that, despite the gigantic steps that the country has taken in institution-building and in becoming a viable State, much more remains to be done. International support, both bilateral and multilateral, must be forthcoming. We have achieved much, and we must safeguard that investment by ensuring that Timor-Leste continues to benefit from the assistance of the international community. Portugal believes that we must begin to envision a smooth transition for Timor, without peacekeeping, but with a solid and coordinated United Nations presence to support those who will remain to help Timor-Leste after May 2005.

The President: I now call on the representative of Malaysia.

Mr. Rastam (Malaysia): I offer my sincere congratulations to you, Sir, on your assumption of the presidency of the Security Council for this month and to the Permanent Representative of the United Kingdom on his stewardship of the Council last month.

My delegation is pleased to address the Security Council on the situation in Timor-Leste six months after the adoption of Security Council resolution 1543 (2004). We express our sincere appreciation to the Secretary-General for his progress report (S/2004/888) on the activities of the United Nations Mission of Support in East Timor (UNMISET), and to the Special Representative of the Secretary-General, Mr. Sukehiro Hasegawa, for his clear and comprehensive presentation of the report. We commend the Special Representative and the members of UNMISET's civilian, military and police components for their dedication and their invaluable contributions to the nation-building process in Timor-Leste.

Malaysia is pleased to recognize that UNMISET continues to play an important role in Timor-Leste, providing security and facilitating the country's advancement towards progress and development. The Mission has assisted in nurturing the development of political, economic, social, legal and judicial institutions. We note in particular that, since the inception of the UNMISET consolidation phase in May 2004, Timor-Leste has made further progress in developing key State institutions and security agencies, which includes the adoption of a number of important pieces of legislation. Voter registration has been completed in preparation for the local elections to be conducted before July 2005. Those advances could not have been achieved without the full commitment, the determination and the strong resolve of the country's leadership and the support of the Timorese people in general, coupled with sustained assistance and cooperation from the international community.

We recall that, in his previous report (S/2004/669), the Secretary-General noted that the progress achieved in Timor-Leste had permitted a downsizing in the international presence on the ground. However, in his report before the Council today, the Secretary-General emphasizes that the situation on the ground does not warrant any modification of UNMISET's tasks as mandated by resolution 1543 (2004). We note his assessment that any change of the composition or size of UNMISET, including those of the police and military components, could compromise the ability of the Mission to carry out its responsibilities. At the same time, we take note of the Secretary-General's recommendation to retain UNMISET with its current tasks, configuration and size until its mandate expires on 20 May 2005.

We agree that the coming final period of six months would allow UNMISET's key tasks to be completed and the gains made thus far to be consolidated. It is essential that the transition from the phase of peacekeeping operations, aimed at conflict resolution, to the next phase of development activities be conducted with the cooperation and the contributions of all bilateral and multilateral partners. In that regard, Malaysia will do its utmost, within its capacity, to further assist Timor-Leste in fulfilling its nation-building endeavour, including through the continuation of bilateral technical assistance.

My delegation notes that during the next six months UNMISET will also be focusing on its exit strategy as it completes its mandate in Timor-Leste. This is a crucial period for UNMISET in ensuring that the country continues to function without any significant impact from the Mission's withdrawal. It is thus important to make a thorough and comprehensive assessment of whether Timor-Leste has largely achieved self-reliance before UNMISET's responsibilities are handed over to the Timorese. In that regard, we believe that UNMISET needs to redouble its effort to encourage the involvement and the ownership of the Timorese in the Mission's three programme areas and to identify bilateral and multilateral partners that could help move the process.

Malaysia has taken note of the donors' conference scheduled to be held in March next year. We hope that the United Nations system and other partners that have complemented the role of UNMISET in assisting the institution-building process will continue to support and facilitate the smooth transition from a peacekeeping operation to a sustainable-development-assistance framework. My delegation joins the Secretary-General in appealing to all bilateral and multilateral partners of Timor-Leste to enhance their cooperation with UNMISET for a successful transition process.

It is encouraging to note the growing relations between Timor-Leste and Indonesia, as manifested in the recent visit of Prime Minster Alkatiri to Jakarta in October and the participation of Foreign Minister Ramos-Horta in Indonesia's independence celebration in Kupang in August. The strengthening of relations between the two neighbouring countries augurs well for them, including in their continued efforts to delimit the land borders between them. We are confident that both countries will continue to be able to resolve their pending bilateral issues in a spirit of friendship and cooperation.

With regard to the ongoing investigations by the Serious Crimes Unit to bring to justice the perpetrators of serious crimes committed in 1999 in East Timor, my delegation is of the view that the issue is best dealt with bilaterally between Timor-Leste and Indonesia. Undue external pressure from the international community, especially from the United Nations, may not be the right approach in dealing with the issue.

My delegation notes in the Secretary-General's report that maritime boundary negotiations with Australia have been conducted recently, in September and October, but that a mutually beneficial arrangement has yet to be concluded. Malaysia continues to express its hope for a mutually beneficial arrangement that permits the successful exploitation of petroleum and natural gas, which could provide badly needed financial resources for Timor-Leste.

My delegation has noted the conclusions and the observations of the integrated technical assessment mission during its recent visit to Timor-Leste to review the situation on the ground, as mandated by resolution 1543 (2004), with a view to determining the feasibility of modifying UNMISET's size, composition and tasks, including the configuration of its police and military components. My delegation is concerned that, despite the notable progress achieved during UNMISET's consolidation phase, the mission has concluded that Timor-Leste has yet to reach the critical threshold of self-sufficiency, in particular in the areas of professional skills and values, policing experience, necessary equipment and infrastructure, and management and coordination capabilities. In that regard, Malaysia continues to offer assistance in training and development for senior and middle management of the Timorese police force, as well as the assistance given in the training of trainers at the police college and to the newly formed Police Reserve Unit and Rapid Intervention Unit.

Ms. Laohaphan (Thailand): It is a pleasure, Sir, to see you presiding over the Council for this month. Like preceding speakers, I would like to thank you for convening this public meeting on Timor-Leste. My thanks also go to Mr. Sukehiro Hasegawa, the Special Representative of the Secretary-General, for presenting the progress report of the Secretary-General on the United Nations Mission of Support in East Timor (UNMISET) (S/2004/888).

Thailand welcomes the progress that has been steadily achieved over the past two-and-a-half years in Timor-Leste, and commends the sustained efforts of UNMISET, United Nations programmes and agencies, the Bretton Woods institutions, non-governmental organizations and international donors, and, not least, the hard work and determination of the Timor-Leste Government in trying to build a self-reliant nation that is safe, stable, economically viable and just.

Timor-Leste has embarked on a long and difficult journey to fulfil its aspiration for statehood and can rightly be proud of its many achievements to date. Yet, numerous challenges still await this budding nation, and the international community must remain actively engaged in helping this country advance alongside the community of nations.

Thailand concurs with the recommendation of the Secretary-General that UNMISET should maintain its presence in the country, with the same composition and size, until 20 May 2005 in order to consolidate its gains and, more importantly, to ensure the uninterrupted functioning of the Timor-Leste civil administration after UNMISET's withdrawal. It has always been Thailand's view that in any peacekeeping mission, there should be a clear and well-mapped-out exit and transition strategy to ensure a smooth and effective functioning of the affected country's administrative institutions. With respect to Timor-Leste, my delegation would like to underscore the following three points.

First, the conclusion of UNMISET's mandate in Timor-Leste does not imply Timor-Leste's readiness or its ability to effectively run its public administration. Timor-Leste will continue to rely on the support and the assistance of international experts in strengthening its institutional capacity in various areas, summarized in the three programmes, as set out in the report, namely, the public administration and justice system, law enforcement and security.

The second point I wish to emphasize is that the international community must be realistic about certain expectations that we harbour in relation to Timor-Leste. I refer specifically to paragraph 8 of resolution 1543 (2004), which calls upon the Serious Crime Unit to complete all trials relating to human rights abuses that occurred in East Timor in 1999 by 20 May 2005. While we fully support upholding the rule of law and fighting impunity, it is highly improbable that Timor-Leste could actually implement that provision of the resolution in time, given the accumulated backlog of cases, the limited availability of judges and the shortness of time. Therefore, the Council might wish to revisit that issue. I should also like to point out that the Commission for Reception, Truth and Reconciliation has been doing an outstanding job and should be commended for its efforts. The selection of the Provedor for Human Rights and Justice, which the international community eagerly anticipates, is an issue that should be finalized as soon as possible.

Another issue on which the international community might wish to reassess its expectations relates to the integration of veterans into civilian life. The initiative to draft legislation on the recognition of veterans seems to be heading in the right direction, and just two weeks ago, the Prime Minister of Timor-Leste requested the diplomatic corps in Dili to help Timor-Leste reintegrate those veterans and ex-combatants into civilian life and to create employment for them.

That brings me to my third and final point. The vital role of development in contributing to durable peace in post-conflict nation-building cannot be overstated. The United Nations and the international community have already made laudable efforts in laying a firm foundation for peace and stability in Timor-Leste, but more work and assistance is required to help Timor-Leste pursue its economic and social development. If we want to see Timor-Leste survive and thrive on its own, we must ensure that peace and security continue to prevail and become irreversible, as a safe and secure environment is a precondition for any country to embark on successful economic and social development.

The United Nations system, especially the World Bank, the United Nations Development Programme and UNICEF, will be needed more than ever in Timor-Leste, a fledging democracy that is still plagued by rampant poverty, an inadequate health system and a high birth rate, where unemployment and illiteracy remain prevalent and half the population is below the age of 15 and cannot contribute productively to the growth of the economy.

The scheduled date of closure on 20 May 2005 and the eventual withdrawal of UNMISET will coincide with the third anniversary of Timor-Leste. This three-year-old nation is but an infant compared to most countries that have centuries-long experience in civil administration and wealth accumulation. Nevertheless, Timor-Leste has promising potential, especially in oil and gas resources development, and, in the long run, the international community can benefit from having another strong and stable country contributing further to the world economy. The international donors' conference, scheduled to be held in March of next year, will be an occasion for us to

reaffirm our steadfast support, both bilaterally and multilaterally, for Timor-Leste.

For its part, Thailand has concluded a Technical Cooperation Programme with Timor-Leste for a three-year period, from 2003 to 2005, focusing on training programmes in 10 different areas.

Mr. Hamburger (Netherlands): I have the honour to speak on behalf of the European Union (EU). The candidate countries Bulgaria, Romania, Turkey and Croatia, the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Serbia and Montenegro, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this declaration.

Since the previous meeting in this Council on Timor-Leste last August, the European Union has not significantly changed its position on the way forward for Timor-Leste. We congratulate the Government of Timor-Leste for the tremendous progress it has made in rebuilding a functioning civil administration, training security and police forces, adopting important legislation and preparing for local elections.

We also would like to commend the invaluable contributions made by the United Nations Mission of Support in East Timor (UNMISET), which the EU holds in high regard for its exemplary function as a true multilateral effort at peace-building and reconstruction. In this respect, I am pleased to welcome and to commend the Special Representative of the Secretary-General, Mr. Sukehiro Hasegawa, today for his leadership of UNMISET.

The EU pays tribute to the multilateral institutions and bodies that have jointly contributed to the recent economic recovery in Timor-Leste. Although the first signs of growth are still modest, the EU is encouraged by this upward trend that gives hope for further economic consolidation in the future. The EU wishes to see more efforts aimed at developing and expanding private sector activity in Timor-Leste.

The EU also would like to praise both Timor-Leste and Indonesia for their steadily improving relationship, which we hope will result in the early determination of their joint land border.

The report of the Secretary-General clearly outlines the various reasons for which Timor-Leste has not yet reached the critical threshold for self-sufficiency. I will not go into those details here. However, the European Union shares the Secretary-General's conclusion that UNMISET is to be maintained in accordance with Security Council resolution 1543 (2004). Moreover, the EU can support the Secretary-General's recommendation that the Mission focus on an exit strategy during the coming six months, aimed at increasing Timorese ownership. The EU trusts that the United Nations system will continue to support Timor-Leste after the departure of UNMISET next year.

I would like to recall the European Union's concern at the lack of progress in ending impunity. Ensuring that those responsible for serious crimes committed in East Timor in 1999 are held accountable and that justice is secured for the victims and people of East Timor is essential. The European Union looks forward to receiving the proposals of the Secretary-General, with a view to supporting them.

The President: I now call on Mr. Hasegawa for any further comments or responses he cares to make.

Mr. Hasegawa: I wish to thank you, Mr. President, and members of the Council for having given us your views and comments. We have taken note of all your valuable comments, and we will indeed follow up on many of the suggestions.

In view of the lack of time, I would just respond to the request made by the Philippine delegation for identifying the eight working groups. These eight working groups cover the following areas: institutional capacity-building of the public institutions; institution-building in the justice sector, in particular; the future of serious crime process; professional development under democratic policing training of the National Police of Timor-Leste (PNTL); the roles and working relationship of the national security agencies, including the Timor Lorosae Defense Forces (FDTL) and the National Police of Timor-Leste; support to the marginalized groups, such as veterans, ex-combatants, widows, orphans and youth; enhancement of transparency and accountability; and, lastly, transition from peacekeeping to sustainable development in Timor-Leste.

The international community has made a remarkable contribution to Timor-Leste in recent years in enforcing, maintaining and building the peace required for nation-building. It is now critically

important to provide the continued support to sustain its political development, as well as its economic growth and human development, in order to maintain peace and stability in this nascent country.

Seen in this context, the working groups have been established to identify specific measures required for smooth transition from peacekeeping operations to institution-building and sustainable development assistance.

The President: The Security Council has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 1.10 p.m.